

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 222 OF 2004

SHANKARGOUDA KUBERGOUDA DYAVANAGOUDARA Appellant (s)

VERSUS

STATE OF KARNATKA Respondent(s)

Date: 28/04/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE H.L. GOKHALEFor Appellant(s) Mr. Shanth Kr.V.Mahale, Adv.
Mr. Harish S.R. Adv.
Mr. Rajesh Mahale, Adv.

For Respondent(s) Mr. V.N. Raghupathy, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

[Madhu Bala] [Savita Sainani]
Sr.P.A. Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 222 OF 2004

SHANKARGOUDA KUBERAGOUDA...APPELLANT
DYAVANAGOUDARA

VERSUS

STATE OF KARNATAKA...RESPONDENT

O R D E R

Heard both sides.

The appellant was charged under Section 498A and 302 IPC. The Trial Court acquitted him. On appeal by the State the High Court convicted him for both the offences and sentenced him for life imprisonment.

Learned counsel appearing for the appellant submitted that the prosecution failed to establish the charges levelled against the accused and in the absence of charge under Section 304B IPC, he was prevented from explaining the circumstances more particularly his absence on the day and time as pleaded by the prosecution. On

going through the impugned judgment of the High Court and the evidence of PW-1 father of the deceased, PW-4 brother of the deceased, PW-6 doctor who conducted post-mortem as well as three injuries on the neck of the deceased as noted in the post-mortem report, we are unable to accept the said contention. On the other hand, we are satisfied that the High Court on appreciation of both oral and documentary evidence arrived at a correct conclusion. In these circumstances, we do not find any legal ground for interference. Accordingly, appeal fails and the same is dismissed.

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In view of the dismissal of the appeal, the appellant is directed to surrender within a period of four weeks failing which the Trial Court has to take appropriate steps for serving his remaining period of sentence.

.....J.

[P. SATHASIVAM]

NEW DELHI.....J.

28TH APRIL, 2011[H.L. GOKHALE]