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Cr1.A.No. 466 OF 1998
ITEM No.104

Court No. 8

SECTION II

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.466 of 1998

State of A.P. Appellant(s)

VERSUS

G. Bhaskar Reddy & Ors.
(With office report)

Respondent(s)

Date : 21/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s) Mr. Guntur Prabhakar, Adv.

For Respondent (s) Mr. V.R. Reddy, Sr.Adv.

Mr. Ananga Bhattacharya, Adv.

Mr. P.S.Narasimha, Adv.

Mr. P. Sridhar, Adv.

Mr. G. Seshagiri, Adv.

for Mr.V.G. Pragasam, Adv.

Mr. S. Sadasiva Reddy, Adv.

Mrs. Usha Reddy, Adv.

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

The appeal is dismissed, in terms of the signed order.

(N. Annapurna)
Court Master

(Veera Verma)
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.466 OF 1998

State of A.P.
...Appellant

Versus

G. Bhaskar Reddy & Ors.
...Respondents

O R D E R

This is an appeal preferred by the State against the judgment of a Division Bench of the Andhra Pradesh High Court. Fourteen accused were tried by the Sessions Court for offences under Sections 147, 148, 448, 302 r/w 149 IPC and the Sessions Court found A-1, A-5 and A-9 guilty of offence punishable under Section 302 IPC and A-2, A-4, A-10 and A-12 guilty of offence under Section 302 r/w 149 IPC. A-6 to A-8, A-13 and A-14 were acquitted of all charges framed against them. The High Court found A-1, the first accused, guilty of offence under Section 304 Part-I IPC instead of Section 302 IPC and sentenced him to undergo imprisonment for a period of seven years. The other accused were also sentenced for various imprisonments for various minor offences. The finding of the High Court is challenged before us.

We have heard learned counsel for the State as also Mr.V.R. Reddy, learned senior counsel for the respondents. Learned counsel for the State submitted that all the accused came to the residence of the deceased and attacked the deceased as well as other inmates of the house and caused serious injuries and that there was an unlawful assembly and all the accused were liable to be convicted under Section 302 read with 149 IPC.

We have carefully considered the evidence adduced by the prosecution. The Division Bench considered the medical evidence adduced in this case and held that the fatal injury might have been caused by the first accused and there was no evidence to show that all other accused have shared the common object in causing death of the deceased and that there was any unlawful assembly. Learned counsel for the respondents also pointed out from the medical evidence that for the serious internal injury, there was no corresponding external injury mentioned and, therefore, it might have been caused by a blunt weapon and, in view of this medical evidence, it is not possible to attribute the involvement of all other accused in this case.

Having considered the material on record and having in mind the fact that this being an appeal against acquittal, we do not think that the State has made out a case for interference with the impugned judgment.

The appeal, accordingly, fails and is dismissed.

(K.G. BALAKRISHNAN)

.....J.

.....J.

(B.N. SRIKRISHNA)

New Delhi,
April 21, 2004.