

ITEM NO.101

COURT NO.11

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(s). 1725 OF 2009

MANKALI RAMESH

Appellant (s)

VERSUS

STATE OF A.P.

Respondent(s)

(With office report)

Date: 20/10/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

Ms. Susmita Lal,Adv.
Mr. Malabika Sarkar,Adv.
Mr. G.K. Sarkar,Adv.

For Respondent(s)

Mr. D. Mahesh Babu,Adv.
Mr. Ramesh Allanki,Adv,
Mr. Pattabhi Ram Vadrevu,Adv.

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

The appeal is dismissed in terms of the
signed order.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1725 OF 2009

MANKALI RAMESH

Appellant

VERSUS

STATE OF A.P.

Respondent

O R D E R

1. This appeal has arisen out of the impugned judgment and order dated 13.2.2007 passed by the High Court of judicature of Andhra Pradesh at Hyderabad in Criminal Appeal No.461 of 2005.

2. Facts giving rise to this appeal are that the appellant himself went to the Police Station on 24.6.2003 and lodged an FIR that he was travelling in the intervening night of 23.6.2003 and 24.6.2003 alongwith his wife in an auto rickshaw to reach his village. Two other persons were accompanying them in the auto rickshaw. The auto rickshaw was taken few kilometers away from the main road and the accompanying two persons committed rape upon appellant's wife and killed her. As the appellant himself

tried to rescue his wife he also suffered a large number of injuries. He also told the Police that he would be in a position to identify the real culprits if they come before

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him. On this statement the Investigating Officer summoned about 140 Rickshaw Pullers/Auto Drivers from the city and the appellant identified one Auto Rickshaw driver namely Shiv Ratna Venkatraman. He was taken into custody however he established the fact that at the relevant time he could not be present at the place of occurrence as at the relevant time he was present alongwith his family at his home.

Subsequent thereto as the Police further investigated and doubted the veracity of the statement made by the appellant in respect of the incident and some witnesses had deposed regarding the extra judicial confessional statement made by the appellant that he himself had killed his wife, he was arrested on 17.7.2003.

It was on his disclosure statement that recoveries of the knife used in the offence, sari worn by the deceased

and shirt worn by the appellant, as all the three items had blood stains, were recovered and sent for chemical analysis. The post-mortem was also conducted wherein it was revealed that the deceased had 3-4 anti-mortem injuries but the Doctor opined that she died due to Asphyxia due to smothering. The accused was also examined medically. It came on record that he suffered 25 incised wounds and 3 contusions.

3. After conclusion of the investigation, the
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chargesheet was filed against the appellant and the case was committed to Sessions court. After conclusion of the trial the appellant got convicted under Sections 302 and 201 of Indian Penal Code, 1860 (hereinafter called IPC) and sentenced to life imprisonment and 3 year rigorous imprisonment respectively.

4. Being aggrieved, the appellant preferred an appeal before the High Court which has been dismissed vide impugned judgment and order. Hence this appeal.

5. We have heard Ms. Susmita Lal, learned counsel for the appellant and Mr. Ramesh Allanki, learned counsel appearing for the State and perused the records.

6. It is a case of circumstantial evidence as there has been no eye-witness to the incident. The appellant himself admitted that he was present alongwith deceased at the time of incident and they had been travelling at the midnight to reach their village however, the incident occurred several kilometers away from the main road. There is nothing on record to show as what could be the urgency or reason to travel in such late hours in the night and why the appellant did not make any attempt to

stop the Auto Rickshaw while going out of the road.

After

arrest of the appellant, all the incriminating materials
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i.e. weapon, the clothes etc. had been recovered at his instance. The chemical analysis/the DNA report suggested that the blood stains found on the sari of the deceased, clothes of the appellant and on the knife recovered at the instance of the appellant were having the blood of the group which was of the appellant himself.

7. Both the courts below came to the conclusion that the injuries found on the person of the accused/appellant could be self inflicted as all of them were of the same size and were simple in nature. There could be explanation for 3 contusions found on his body also as the deceased must have tried to save herself and some scuffle could have been between the deceased and the appellant.

8. A large number of other circumstances have also been pointed out by the courts below which complete the chain of circumstances and all the circumstances point out that the appellant alone killed the deceased and none else particularly, the recovery of knife and the blood stained sari of the deceased and appellant's clothes.

9. In view of the above, we do not find any cogent reason to interfere with the judgments and order of the courts below. The appeal has no merit and accordingly dismissed.

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10. Before parting with the case we would like to thank Ms. Susmita Lal, learned counsel for rendering the appellant very good assistance on behalf of Supreme Court Legal Services Committee.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI
OCTOBER 20, 2011

.....J.
[A.K. PATNAIK]