

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). 1177 OF 2006

STATION HOUSE OFFICER Appellant (s)

VERSUS

DARUVURI SUBBA RAO & ORS. Respondent(s)

(With appln(s) for issuance of non-bailable warrant of arrest  
and permission to file additional documents)

Date: 01/02/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. D. Mahesh Babu,Adv.

For Respondent(s) Mr. Ranjit Kumar,Sr.Adv.  
Mr. G. Ramakrishna Prasad,Adv.  
Mr. B. Suyodhan,Adv.  
Mr. Bharat J. Joshi,Adv.  
Mr. Mohd. Wasay Khan,Adv.  
Mr. Edara Rama Rao,Adv.

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

The appeal is dismissed.

(V.K. TIWARI) (VINOD KULVI)  
P.A. 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. 1177 OF 2006

STATION HOUSE OFFICER Appellant

VERSUS

DARUVURI SUBBA RAO & ORS. Respondent

O R D E R

We have heard learned counsel for the parties.

The trial court vide its judgment dated 3.1.2001 convicted A-1 to A-7 and A-14 whereas A-10 and A-18 had died during the trial and the other accused i.e. A-8, A-9, A-11, A-12, A-13, A-15, A-16, A-17, A-19, A-20, A-21 and A-22 were acquitted. A revision application filed in the High Court against their acquittal has also been dismissed. By the impugned judgment, the accused who were convicted by the trial court and sentenced under Section 302 read with Section 149 of the Indian Penal Code have also been acquitted and their appeals have been allowed. The High Court has taken the cumulative effect of the various infirmities in the evidence to arrive at a conclusion that the prosecution story with respect to the appellants before it was not worthy of credence. It has been found, inter alia, that the three eye-witnesses i.e. PW-1, PW-2 and PW-3 had not really suffered any injury as they could not have been caused in the manner suggested by the prosecution and that the incident could not have been seen by them as well as the other witnesses from inside the house of the accused as it apparently had no window. It has also been observed that the medical evidence did not indicate that PW-1, PW-2 and PW-3 had received injuries in a bomb explosion as the injuries were not compatible with an explosion. The High Court has also observed that the investigation was faulty and misleading as an attempt has been made to withhold evidence in the light of the deposition of PW-9. It has also come on record and it is, in fact, the prosecution story itself that there was animosity between the parties. The High Court has finally concluded that in this conflicting set of facts and as most of the accused had been acquitted by Trial Court, the appellants before it could not be

treated otherwise.

For these reasons, we feel that no interference with the judgment of the High Court is called for. The appeal is dismissed.

.....J  
[HARJIT SINGH BEDI]

.....J  
[CHANDRAMAULI KR. PRASAD]

New Delhi;  
February 1, 2011.