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Cr1.A.No. 1056 OF 1997

ITEM No.102

Court No. 4

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. 1056/1997

Sathi Gangi Reddy Appellant (s)

VERSUS

Pothamsetti Satyanasayana Reddy & Ors. Respondent (s)

Date : 17/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P.SINGH

HON'BLE MR. JUSTICE S.B.SINHA

For Petitioner (s) Mr. K.Radhakrishnan, Sr. Adv.

Mr. Uday Kumar Sagar, Adv.

Ms. Bina Madhavan, Adv.

Ms. Pooja Nanckar, Adv.

For Respondent (s) Mr. D.R.K.Reddy, Adv.

Mr. B.Vikas, Adv.

Mrs. D.Bharathi Reddy, Adv.

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

The Criminal appeal is allowed in terms of the signed order.

(Shashi Sareen)

Court Master

(Prem Prakash)

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.1056 OF 1997

SATHI GANGI REDDY

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Appellant(s)

Versus

POTHAMSETTI SATYANASAYANA REDDY & ORS.

...

Respondent(s)

O R D E R

We have heard learned counsel for the parties. The appellants herein is the father of the deceased who is alleged to have committed suicide by hanging herself on 5.3.1991. The respondents were put up for trial before the Assistant Sessions Judge, Ramacharapuram, in Session Case No. 164/1992. By his judgment and order dated 19.12.1992 he found the respondents guilty of the offence under section 306 and 509 I.P.C.

The respondents preferred an appeal being Criminal Appeal No. 230 of 1992 before the Sessions Judge at Rajahmundry. The said appeal was dismissed by the learned Sessions Judge by order dated 19.12.1994.

The courts below sentenced the respondents to undergo rigorous imprisonment for three years and to pay a fine of Rs. 5,000/- under section 306 I.P.C. and to undergo a sentence of rigorous imprisonment for six months and to pay fine of Rs. 1,000 under section 506 I.P.C. The respondents herein preferred a criminal revision before the High Court and the High Court by a very cryptic order allowed the revision and acquitted the respondents of the charge under section 306 I.P.C. while upholding their conviction under section 509 I.P.C. However, the sentence under section 509 I.P.C. was reduced to the period already undergone by them. There is no consideration whatsoever in the judgment of the High Court of the evidence on record or the findings recorded by the courts below, and yet the High Court set aside the conviction of the respondents under section 306 I.P.C. The relevant part of the order reads as follows:-

"From the evidence it is clear that the prosecution has not established the case against the accused for the offence under section 306 IPC beyond reasonable doubt. As far as the offence punishable under section 509 IPC is concerned there is ample material to establish the case against the accused. Accordingly this revision is allowed in part setting aside the conviction and the sentence of R.I. for three years passed for the offence punishable under section 306 IPC. As far as the conviction of the petitioners for the offence under section 509 IPC is concerned the same is confirmed and the sentence is reduced to the period of sentence already undergone by them."

Against the concurrent findings of fact, the High Court has interfered in its revisional jurisdiction and that too without even noticing the findings recorded by the courts below and giving reasons for disagreeing with the conclusions reached by them. As it is, the revisional jurisdiction of the High Court in such cases is limited and only in cases where there appears a manifest illegality or injustice, or the order suffers from any error of law the High Court would be justified in exercising its revisional jurisdiction. Even if a wider jurisdiction is assumed in favour of the High Court in revisional jurisdiction, it cannot be wider than the power of the High Court exercising appellate jurisdiction. In the instant case we find that the learned Judge even without considering the evidence observed that from the evidence it was clear that the prosecution had not established the case against the accused for the offence under Section 306 I.P.C. beyond reasonable doubt. Such a cryptic and unreasoned order disposing of the criminal revision against concurrent findings of fact cannot be sustained by this court.

Brevity when accompanied with logic, and reason is a great virtue as it imparts clarity to the judgment. But brevity by itself, some reason, cannot be pleaded as the sole reason for sustaining a judgment. It is of the essence of a fair judicial adjudication that the conclusions reached must be supported by reason which must appear on the face of the judgment so as to lend credibility and transparency. In the instant case we find brevity to be the sole virtue of the judgment, and therefore in the absence of reasons, the judgment is unsustainable. We set aside the order of the High Court and remit the matter to the High Court to hear the criminal revision afresh and dispose it of in accordance with law. This criminal appeal is allowed.

.....J.

(B.P.SINGH)

.....J.  
(S.B.SINHA)

New Delhi,  
MARCH 17, 2004.