

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.657 OF 1999

Kota Ramu Appellant(s)

VERSUS

State of Andhra Pradesh

Respondent(s)

(With office report)

Date : 28/04/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mrs. D. Bharathi Reddy,Adv.

For Respondent (s)Ms. T. Aanmika,Adv.
Mr. Guntur Prabhakar,Adv.UPON hearing counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.The appellant is on bail. His bail bonds be cancelled and the accused-appellant shall surrender to custody to serve remainder of sentence.

(Neena Verma) (Vijay Aggarwal)
Court Master Court MasterSigned order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.657 OF 1999

Kota Ramu
...Appellant

Versus

State of Andhra Pradesh
...Respondent

O R D E R

Heard learned counsel for the parties.

The appellant was charged for commission of offence punishable under Section 307 IPC. Three other persons, who faced trial along with the accused-appellant were charged under Section 307 read with Section 34 IPC. The Trial Court found the present appellant (A-1) to be guilty of o

ffence punishable under Section 307 IPC and sentenced him to undergo ten years rigorous imprisonment. The other three co-accused persons were held guilty under Section 307 IPC read with Section 34 IPC and sentenced similarly. In appeal by the impugned judgment, the High Court of Andhra Pradesh upheld the conviction so far as the accused-appellant is concerned but reduced the sentence to five years rigorous imprisonment. The other three accused persons were held to be not guilty of the offence charged and were acquitted.

In support of the appeal, learned counsel for the appellant submitted that the prosecution version is not reliable and the evidence of the so-called eye-witnesses was at variance with the medical evidence on record. Additionally, it was submitted that even if the prosecution version is accepted in toto, no case under Section 307 IPC is made out. In response, learned counsel for the State submitted that both the Trial Court and the High Court have analysed the evidence in great detail and have come to the concurrent finding that the evidence clearly establishes the guilt of the accused-appellant. On consideration of the evidence on record, we find that though the accused-appellant is guilty of having stabbed the deceased, the offence is not under Section 307 IPC and the appropriate conviction would be Section 325 IPC. The conviction is, accordingly, altered. Custodial sentence of two years would meet the ends of justice. The appeal is, accordingly, allowed to the extent indicated above. The appellant is on bail. His bail bonds be cancelled and the accused-appellant shall surrender to custody to serve remainder of sentence.

(DORAISWAMY RAJU)

.....J.

.....J.
(ARIJIT PASAYAT)

New Delhi,
April 28, 2004.