

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 1373/2008

C. SHIVA NARAYANA REDDY

Appellant(s)

VERSUS

PONNAPU REDDY RAMASSUBBA REDDY & ANR. ETC.

Respondent(s)

WITH

Criminal Appeal No(s). 1374/2008

O R D E R

Criminal Appeal No(s). 1373/2008

This Court has already noted in its order dated 25.09.2018 that the complainant who has filed the appeal does not want to prosecute the appeal.

Learned counsel for the parties do not dispute that the complainant does not want to prosecute the appeal.

In above view of the matter, the criminal appeal is dismissed as not pressed.

Criminal Appeal No(s). 1374/2008

We have heard Ms. Bina Madhavan, learned counsel for the State and Mr. V. Giri, learned senior counsel for the respondents.

A murderous assault was made on the two deceased 04.12.1990. Eleven accused persons were put on trial. The

appeal stood abated against A-8, A-9 and A-11 who are stated to have been deceased during the trial. The Trial Court convicted the remaining accused under Sections 302, 149 and 148 of the Indian Penal Code.

In appeal before the High Court, consequent to a difference of opinion between the two Hon'ble Judges constituting the Division Bench, the matter was referred to a third Judge.

The High Court acquitting the remaining accused, at page 54 of the judgement, has collated the reasons. There were 42 persons travelling in the bus at the time of occurrence, but the evidence of only three interested witnesses had been recorded. The first police statement of PW-2 to PW-4 made to PW-20 the earlier investigating officer had been suppressed. The passenger manifest prepared after the occurrence had taken place, a very important document to prove that PW-2 to PW-4 were travelling in the bus did not find mention in the charge sheet, neither was it submitted along with it. The names PW-2 to PW-4 were not mentioned in the charge sheet as eye witnesses. The credibility of PW-2 to PW-4 as eye witnesses was therefore completely dented. The interpolation in the inquest report which could not be explained by the investigating officer also suggested that the correct facts were being withheld by the prosecution.

We find no reason to interfere with the order of the acquittal which is well-reasoned and considered including the materials which did not meet the satisfaction of the Court.

The criminal appeal is dismissed.

.....J.
[ASHOK BHUSHAN]

.....J.
[NAVIN SINHA]

NEW DELHI;
July 25, 2019.

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). 1373/2008

C. SHIVA NARAYANA REDDY

Appellant(s)

VERSUS

PONNAPU REDDY RAMASUBBAREDDY & ANR. ETC.

Respondent(s)

WITH

Crl.A. No. 1374/2008 (II)

Date : 25-07-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, AOR
Ms. Swati Bhardwaj, Adv.

Mr. Sumanth Nookala, AOR

For Respondent(s)

Mr. V. Giri, Sr. Adv.
Mr. Amit K. Nain, AORMr. C. S. N. Mohan Rao, AOR
Mr. Lokesh Kumar Sharma, Adv.

Mrs. D. Bharathi Reddy, AOR

Dr. Vinod Kumar Tewari, AOR

Mr. S.. Udaya Kumar Sagar, AOR

UPON hearing the counsel the Court made the following

O R D E R

Criminal Appeal No(s). 1373/2008

The criminal appeal is dismissed as not pressed in terms of the signed order.

Criminal Appeal No(s). 1374/2008

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

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(RENU KAPOOR)
COURT MASTER

[Signed order is placed on the file]