

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1) No(s).3754/2011

(From the judgement and order dated 27/12/2010 in CRLA
No.490/2007 of The HIGH COURT OF A.P AT HYDERABAD)

G.VEERESHALINGA Petitioner(s)

VERSUS

STATE OF A.P.TR.PP Respondent(s)

(With appln(s) for bail,permission to file additional documents
and office report)

Date: 26/09/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. R. Balasubramaniam, Sr. Adv.
Ms. Promila,Adv.

For Respondent(s) Mr. D. Mahesh Babu, Adv.
Mr. Ramesh Allanki, Adv.
Ms. Savita Dhanda, Adv.

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

Leave granted.

The appeal stands disposed of in terms
of the signed order.

(Neetu Sachdeva) (Sneh Bala Mehra)
Sr. P. A. Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1857 OF 2011
(@ SLP (Cr1.) No.3754/2011)

G.VEERESHALINGA Appellant(s)

VERSUS

STATE OF A.P.TR.PP Respondent(s)

O R D E R

Leave granted.

The appeal by grant of special leave is directed
against the judgment dated 27.12.2010 rendered by the
Division Bench of the High Court of Judicature Andhra

Pradesh at Hyderabad in CrI. Appeal No.490 of 2007 by
which acquittal of the appellant recorded by the learned
III Additional Sessions Judge (Fast Track Court)
Nalgonda District in SC No.322 of 2000 vide judgment
dated 15.11.2005 is set aside and the appellant is
convicted under Sections 348 and 304 Part II read with
Section 34 IPC and sentenced to undergo rigorous
imprisonment for a period of 3 years for the offence
punishable under Section 348 IPC and also sentenced to
undergo rigorous imprisonment for a period of five years
for the offence punishable under Section 304 Part-II
read with Section 34 IPC.

This Court has heard the learned counsel for the
parties. What is pleaded by the learned counsel for the

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appellant is that when CrI. Appeal No.490/2007 was taken
up for hearing on 27.12.2010, Sri E. V. Bhagiratha Rao,
the learned counsel engaged by the appellant had already
expired on 13.12.2009 and the case papers were entrusted
to Sri Pottigari Sridhar Reddy but the said learned
counsel could not remain present when the appeal was
taken up for hearing. The impugned order indicates that
Smt. T. V. Sridevi had appeared on behalf of the present
appellant but she has filed an affidavit stating that
she had not appeared in the matter at all. In view of
the above-mentioned state of affairs, it is evident that
the impugned order was rendered without hearing the
present appellant. This position is not disputed by the
learned counsel for the State Govt. Therefore, this
Court is of the opinion that interest of justice would
be served if the High Court is requested to hear
Criminal Appeal No.490 of 2007 on merits after hearing
the parties.

For the foregoing reasons, the appeal succeeds. The
judgment dated 27.12.2010 rendered by the Division Bench

of the High Court of Judicature at Andhra Pradesh at Hyderabad in Crl. Appeal No.490 of 2007 is hereby set aside. The Criminal Appeal No.490 of 2007 shall be

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decided on merits after hearing the parties.

The appellant was acquitted by the Sessions Court but High Court has convicted him under Sections 348 and 304 Part II read with Section 34 IPC and has imposed sentences mentioned earlier.

In view of Supreme Court Rules, 1966 when a criminal petition is filed, the accused has to surrender to the Jail Authorities. Under the circumstances, by an order dated 1.4.2011, the learned Judge in Chambers had granted time of four weeks to the appellant to surrender and produce surrender certificate. The learned counsel for the appellant states at the Bar that the appellant has already surrendered on 16.4.2011. As the matter is remanded to the High Court, the appellant is ordered to be released on bail on his furnishing personal bond to the satisfaction of the Sessions court.

The appeal accordingly stands disposed of.

.....J.
(J.M. PANCHAL)

NEW DELHI
SEPTEMBER 26, 2011

.....J.
(H.L. GOKHALE)