

ÜITEM NO.117

COURT NO.6

SECTION IIA

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). 605 OF 2006

B. SUDHAKAR

Appellant (s)

VERSUS

STATE OF A.P.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned order)

Date: 25/11/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Gopal Prasad,Adv.

For Respondent(s) Mr. Shishir Pinaki, Adv.for
Mr. D. Mahesh Babu,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 be released forthwith, if not required
in any other case

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 605 OF 2006

B. Sudhakar

..Appellant

versus

State of A.P.

..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed

against the impugned

judgment and order dated 16th November, 2005 passed by the High Court of Andhra Pradesh at Hyderabad in Criminal Appeal No. 1158 of 2003.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

The appellant was convicted by the trial Court under Sections 302, 457, 380 r/w 511, IPC and sentenced him to undergo life imprisonment under Section 302 along with fine of Rs.1,000/- and default clause as also rigorous imprisonment for a period of six months for each other count.

The case of the prosecution is based on circumstantial evidence. Nobody saw the appellant-accused committing the murder. The prosecution has relied upon the confessional statement recorded by the police and recovery. We have carefully considered the same and found that those are unreliable and prosecution story cannot be believed.

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Accordingly, this appeal is allowed and the impugned judgment of the High Court and trial Court convicting the accused are set aside. The appellant be released forthwith, if not required in any other case.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
NOVEMBER 25, 2010

.....J.
[GYAN SUDHA MISRA]