

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).3 0 3 2 / 2 0 0 7
(From the judgement and order dated 0 6 / 0 7 / 2 0 0 6 in CRLA No. 2 2 7 / 2 0 0 1
of The
HIGH C O U R T O F K A R N A T A K A AT B A N G A L O R E)

C H A K R A V A R T H I @ G . G O P A L

Petitioner(s)

V E R S U S

S T A T E O F K A R N A T A K A

Respondent(s)

(With appln(s) for bail,suspension of sentence,permis sion to file add
itional
documents, and office report))

Date: 3 0 / 0 7 / 2 0 0 7 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E A S H O K B H A N
H O N ' B L E M R . J U S T I C E V . S . S I R P U R K A R

For Petitioner(s) Mr. B.V. Bha nd a r k a r , Adv.
Mr. V.N. Raghupathy,Adv.
Mr. Ranji Thoma s, Adv.
Mr. R. K . Ranjit,Adv.

For Respondent(s) Ms. Anitha Shenoy,Adv.

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

Delay condoned.
Leave granted.

The appeal is disposed of accordingly in terms of signed order.

(Sudhir Kapoor)
P S to Registra r

(Neeru Bal a Vij)
Court Master

Signed order is placed on the file.

I N T H E S U P R E M E C O U R T O F I N D I A

C R I M I N A L A P P E L L A T E J U R I S D I C T I O N

C R I M I N A L A P P E A L N O O F 2 0 0 7
(Arising out of S L P (Crl.) No.3 0 2 2 / 2 0 0 7)

Chakr ava rthi @ G. Gopal

... Appellant

Vs.

State of Karnataka
Respondents

...

On 14.5.2007 while condoning the delay we had issued a limited notice in the following terms:

"Delay condoned.

It is submitted before us that the impugned order passed by the High Court, setting aside the acquittal and convicting the petitioner, is bereft of any reasoning and the same has been passed in a laconic manner.

Let notice be issued limited to the point as to why the impugned order be not set aside and the case be remitted back to the High Court for a fresh disposal, in accordance with law.

In the meanwhile, petitioner is directed to be released on bail subject to the satisfaction of the Trial Court."

Leave granted.

The appellant had been acquitted by the Trial Court and the High Court set aside the order of

acquittal and convicted the appellant under various provisions of the I.P.C. by recording the following

findings:

"The evidence of PW2 categorically indicts A.4 regarding the causing of grievous injury. PW1, 3 and 4 are eye witnesses to the incident. The Wound certificate also corroborates the evidence of PW2 regarding the injuries sustained him. The allegations against A.2 that he only insisted PW2 for release of A1. There were no other violent unlawful acts committed by A2. Therefore, the conviction of A2 for the offence punishable u/s 333 Indian

Penal Code and 452 Indian Penal Code appears to be bad in law, the same is set aside. However, the acquittal of A4 is bad in law, in view of the evidenc

of PW.1 to 3 and medical evidence."

Learned counsel for the respondent does not object to setting aside of the order in terms of the

order dated 14.5.2007 . Accordingly, the order is set aside and the case is remitted back to the High Court

for the passing of appropriate order in accordance with law after affording due opportunities of hearing to

the counsel for the parties.

The appeal is disposed of accordingly.

.....J.

.....

(ASHOK BHAN)

.....J.

.....

(V.S. SIRPURKAR)

New Delhi,
July 30, 2007.