

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). 445 OF 2006

GOVINDARAJU

Appellant (s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

Date: 12/01/2011 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. Shekhar G.Devasa, Adv.for
Mr. Dinesh Kumar Garg,Adv.

For Respondent(s) Mr. V.N.Ragupathy, 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 impugned judgment of the High Court is set aside and
that of the trial Court acquitting the appellant is
restored.

Accused is stated to be in jail. We direct that the
appellant be released forthwith, if not required in any
other criminal 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. 445 OF 2006

Govindaraju

..Appellant

versus

State of Karnataka & Others

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the judgment and order dated 28th November, 2005 passed by the High Court of Karnataka at Bangalore in Criminal Appeal No. 1012 of 1999.

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

The case is one of circumstantial evidence in which a dead body was found but there was no eye witness.

On a

perusal of the record, we are of the opinion at best that

there can be suspicion that the appellant committed the crime but it is well settled that suspicion does not amount

to proof. In a case of circumstantial evidence, the prosecution must establish every link in the chain of circumstances connecting the accused with the crime. That

chain has not been established in the case.

Hence, the

appellant is entitled to the benefit of doubt.

Accordingly, the appeal is allowed and the impugned judgment of the High Court is set aside and that of the trial Court acquitting the appellant is restored.

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Accused is stated to be in jail. We direct that the appellant be released forthwith, if not required in any other criminal case.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JANUARY 12, 2011

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