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Cr1.A.No. 657 OF 1998  
ITEM No.103

Court No. 5

SECTION II

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.657 OF 1998

STATE OF KARNATAKA Appellant (s)

VERSUS

LAZER Respondent (s)

Date : 18/03/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. Sanjay R Hegde, Adv.  
Mr. Anil Kr. Mishra, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(D.L.Chugh) (Vijay Aggarwal)  
AR-cum-PS Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.657 OF 1998

STATE OF KARNATAKAAppellant(s)

versus

LAZERRespondent(s)

O R D E R

The above appeal has been filed by the State of Karnataka against the judgment of a Division Bench of the Karnataka High Court dated 4.6.1997 in Criminal Appeal. No.428 of 1994 whereunder the High Court concurred with the verdict of acquittal rendered by the learned VIIth Additional Sessions Judge, Mayohall, Bangalore acquitting the accused-respondent of the charge of murdering the victim by name, Vijaya, and rejected the appeal by the State.

Heard the learned counsel for the appellant. The respondent, in spite of service of notice has not chosen to enter appearance to contest the appeal.

On a careful consideration of the materials on record to which our attention has been elaborately invited by the learned counsel for the appellant besides extensively taking us through the relevant portions of the judgment to support the claim of the State, we find as observed by the High Court, the view taken by the learned Sessions Judge could not be considered to be an absurd or totally an impossible but was quite possible as well which could reasonably be taken on the materials produced by the prosecution. That apart, even the High Court despite independent reappraisal of the evidence undertaken by it felt convinced that the findings recorded by the learned trial judge do not call for any interference, having regard to such nebulous nature of materials which in the considered opinion of the High Court also did not inevitably lead to the guilt of the accused.

The concurrent findings recorded by both the courts below therefore cannot be said to be vitiated due to any perversity of approach or misreading or evidence for the reason that by any vital materials which otherwise would go to prove the guilt was overlooked. There is, therefore, no scope for interference in this case with the judgments of the courts below in exercise of our powers under Article 136 of the Constitution of India. The appeal shall accordingly stand dismissed.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
MARCH 18, 2004