

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 (Crl) No(s).2453/2010
(From the judgement and order dated 16/12/2009 in CRLA No. 845/2007
of The HIGH COURT OF KARNATAKA AT BANGALORE)

GURUNATH & ORS.

Petitioner(s)

VERSUS

STATE OF KARNATAKA
(With appln(s) for bail and office report)

Respondent (s)

Date: 30/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Ms. Kiran Suri, Adv.

For Respondent(s)	Mr. Sanjay R. Hegde, Adv.
	Mr. Ramesh Kr. Mishra, Adv.
	Mr. Krutin Joshi, Adv.
	Mr. Ramesh S. Jadhav, Adv.

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

Leave granted.

Heard both sides.

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

[Madhu Bala] [Savita Sainani]
Sr.PA Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1406 OF 2010
(@ SPECIAL LEAVE PETITION(CRIMINAL)NO.2453 OF 2010

GURUNATH & ORS.

....APPELLANTS

VERSUS

STATE OF KARNATKA

.....RESPONDENT

ORDER

Leave granted.

Heard both sides.

Aggrieved by the judgment and order of the High Court of Karnataka dated 16.12.2009 in Criminal Appeal No. 845 of 2007, the appellants have preferred the above appeal.

At the outset, learned counsel appearing on behalf of the appellants, by drawing our attention to the impugned order of the High Court, submitted that except narrating the facts the High Court has not analysed the evidence and arrived reasonable conclusion. In the light of the above statement, we have perused the judgment of the High Court. The High Court narrated the case of the prosecution as well as of the defence and thereafter simply noted the contentions raised by both sides. Finally, in the last paragraph, i.e., without going into the veracity or correctness of the statements of witnesses and documents produced by the prosecution and the defence, the High Court merely confirmed the conviction and sentence imposed by the Trial Court. In a series of decisions, this Court has held that the Appellate Court has to consider the entire factual matrix as well as the law and decide the issue one way or the other by giving

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adequate reasons. we feel such recourse has not been adopted in the impugned order. On this ground, without going into the merits of the claim of both the parties, we set aside the judgment and remit the appeal to the High Court. Now the High Court has to restore the appeal with the same number and dispose of the same afresh expeditiously preferably within a period of four months from the date of receipt of this order.

The criminal appeal is disposed of accordingly.

.....J.
[P.SATHASIVAM]

NEW DELHI
30TH JULY, 2010

.....J.
[DR.B.S. CHAUHAN]