

ITEM NO.124

COURT NO.6

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(s). 1530 OF 2003

NAVEEN SHETTY

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

Date: 22/07/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. Basava Prabhu S.Patil, Sr.Adv.
Mr.B.Subrahmanya Prasad, Adv.for
Mr. A.S. Bhasme,Adv.

For Respondent(s)

Mr. Sanjay R. Hegde,Adv.
Mr. Ramesh Kr. Mishra, Adv.

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

The Appeal is allowed.

By order dated 23rd January, 2004, the appellant was
released on bail. His bail bonds shall stand discharged.

(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. 1530 OF 2003

Naveen Shetty

..Appellant

versus

State of Karnataka

..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
judgment of the High Court of Karnataka at Bangalore dated

12th December, 2002 passed in Criminal Appeal No. 1747 of 2001.

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

The prosecution case against the appellant-accused is that he raped the prosecutrix. It has come in evidence of the Doctor S.Nalini who was the medical Officer in Government Hospital, Karkala, who was PW8 before the trial Court, that there was no evidence of rape of the prosecutrix. There were no external injuries either on the body or on external genitalia. No sperm was found.

In view of the Doctor's opinion, we are of the view that the benefit of doubt has to be given to the appellant regarding the offence under Section 376, IPC but we found the appellant guilty under Section 354 IPC.

Accordingly, we allow this appeal, convert the

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conviction of the appellant from Section 376, IPC to Section 354, IPC and sentence him to the period of sentence already undergone by him.

By order dated 23rd January, 2004, the appellant was released on bail. His bail bonds shall stand discharged.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 22, 2010

.....J.
[T.S. THAKUR]