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CrI.A.No. 828 OF 2003
ITEM No.108

Court No.10

SECTION II

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

CrI.A.No.828/2003

Kondaveeti Sivaiah @ SivaAppellant (s)

Versus

State of A.P.Respondent (s)

(With Office Report)

Date : 20/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)

Mr.H.K. Puri, Adv.
Mr. P.K.Chakravarty,Adv.

For Respondent (s)

Ms. T.Anamika,Adv.
Mr.G.Prabhakar,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed in terms of the signed order.

(Sheetal Dhingra)(Kanwal Singh)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.828 OF 2003

Kondaveeti Sivaiah @ SivaAppellant (s)

Versus

State of A.P.Respondent (s)

O R D E R

Heard the parties.

By the impugned order rendered by a Division Bench of the Andhra Pradesh High Court in Crimina

1 Appeal No.827 of 2000 appeal preferred by the appellant challenging his conviction under Section 302 of the Indian Penal Code (for short 'IPC') has been dismissed without giving any reason whatsoever much less discussing evidence adduced on behalf of the prosecution. It is well settled that in a statutory appeal appellate court is obliged to consider the evidence. As in the present case, the said procedure has not been adopted, the impugned order is fit to be set aside on this ground alone.

The appeal is allowed, the impugned order is set aside and the matter is remitted to the High Court to dispose of the appeal on merit in accordance with the law after giving opportunity of hearing to the parties.

In the facts and circumstances of the case, we request learned Chief Justice of the High Court to see that the appeal is placed before any other Bench.

.....J.
(B.N. AGRAWAL)

.....J.
(DR. AR. LAKSHMANAN)

New Delhi
January 20, 2004.