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Cr1.A.No. 890 OF 2000

ITEM NO.106

COURT NO.08

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.890 OF 2000@@
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DUDEKULA KANNIAH ... APPELLANT(S)

VERSUS

STATE OF A.P. ... RESPONDENT(S)

(With Office Report)

Date: 30/07/2002. This/These matter(s) were called on for hearing today.@@
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CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant(s) Mr. Rajiv Nanda, Adv.

For Respondent (s) Mrs. K. Amareshwari, Sr. Adv.
Mr. G. Venkatesh, Adv.
Mr. R. Chandrashekhar Reddy, Adv.
Mr. Guntur Prabhakar, Adv.

UPON hearing counsel the Court made the following
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Heard learned counsel for the parties for about half an hour.
The appeal is dismissed in terms of the signed order.

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(K.K. Chawla) (Shelly Sengupta)@@
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Court Master Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

DUDEKULA KANNIAH

APPELLANT

VERSUS

STATE OF A.P.

RESPONDENT

O R D E R@@
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It is now well settled that the Apex Court under Article 136 of the Constitution would not in the normal circumstance appraise the evidence unless there appears to be a miscarriage of justice upon taking stock of the entirety of the situation. The law is so well settled that we do not feel it expedient to dilate on the issue any further.

Mr. Nanda appearing in support of the appeal, being against the order of the Appellate Bench of the Andhra Pradesh High Court, contended that the evidence in the matter in issue runs contra to the finding of guilt as found by both the trial Judge as also by the appellate court. The appellate court, it appears, has dealt with ..2/-

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the matter in extenso upon reference to the evidence available on record but came to a definite conclusion that the judgment and order of the trial court should not and ought not to be intervened by the High Court being the Court of appeal as the same is otherwise in order and based upon the evidence on record.

We have also been taken through some portion of the evidence by Mr. Nanda relying upon which Mr. Nanda contended that the same creates a doubt and as such the appellant is entitled to an order of acquittal. We are not, however, in a position to lend our concurrence to the submission of Mr. Nanda that there can be any doubt raised in the matter on the basis of the available evidence. The doubt expressed by Mr. Nanda, in our view, cannot be said to be an acceptable doubt warranting intervention of this Court. In that view of the matter, we are unable to record our concurrence with the submissions of Mr. Nanda. The appeal thus fails and is dismissed.

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.....J.
(U.C. Banerjee)

.....J.
(B.N. Agrawal)

New Delhi,

July 30, 2002.