

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).2383/2009

PUTTAPAKA VENKATESHWARLU
@ VENKATAIAH

APPELLANT(S)

VERSUS

THE STATE OF ANDHRA PRADESH

RESPONDENT(S)

O R D E R

1. Heard learned counsels for the parties and perused the relevant material.

2. The accused-appellant has been convicted under Section 302 IPC and has been sentenced to undergo rigorous imprisonment for life. The aforesaid conviction and sentence has been affirmed in appeal by the High Court. Aggrieved, this appeal has been filed upon grant of leave under Article 136 of the Constitution of India.

3. The prosecution case in short is that the accused-appellant (A-1) and the wife of the deceased (A-2) had an illicit relationship. Specifically, it has been alleged that over the said relationship there was acrimony in the family and F.I.Rs. alleging acts of violence by both the accused were filed by the deceased.

4. The further case of the prosecution is that on the date of the incident i.e. 27.06.2004 at about 7 p.m. P.W.5 (Dhanavath Chinnu) had heard some noise coming from the house of the deceased and looking in that direction P.W.5 could see A-1 hurriedly leaving the house of the deceased. Within 5-10 minutes thereafter there was a loud wailing and cry from the house of the A-2 and P.W.5 upon entering the house found the dead body in a water tub, which was exhibited by the prosecution as Material Object-2. According to the prosecution both A-1 and A-2 also made extra-judicial confessions before P.W.6 (Dhanavath Thavurya).

5. The report of the chemical examination is to the effect that organophosphate has been found from the examination of the viscera of the deceased. The cause of the death according to the prosecution is that the deceased had been poisoned and had been forced into the water tub.

6. PW-1 (Dhanavath Ravi), PW-2 (Dhanavath Rajya), PW-3 (Dhanavath Saida) and PW-4 (Pathulothu Laxmi) who were the family members of the deceased were examined to prove the alleged illicit relation between the accused A-1 and A-2 and also the recovery

of the dead body from the water tub (M02). The evidence of PW-5 and PW-6 has also been referred to earlier.

7. From a reading of the evidence adduced by the prosecution, according to us, the following circumstances stand proved against the accused :

- (1) The Accused A-1 and A-2 had an illicit relationship.
- (2) There was acrimony in the family on account of the said relationship leading to filing of criminal case(s) earlier and injury to the deceased both by A-1 and A-2.
- (3) On the date of the occurrence shortly before the discovery of the dead body, A-1 was seen by PW-5 hurriedly leaving the house of the deceased.
- (4) Within the next 5-10 minutes there was wailing and cry by A-2 from the house.
- (5) The discovery of the dead body by PW-5 in the house of the deceased in the water tub.
- (6) The size of the water tub (i.e. 2 feet in length, 1 feet in width and 1½ feet in height) would not permit a person to drown to death unless he is forced into the same.

- (7) Extra judicial confession made by A-1 and A-2 to PW-6, who in his testimony had stated that he had acted as a caste elder for the past thirty years deciding caste panchayats in the locality.
- (8) The post-mortem report to the effect that the death is on account of poisoning and subsequent drowning.

8. The above circumstances which have been well established by the evidence tendered by the prosecution witnesses have withstood the test of cross-examination. The statement of PW-5 recorded under Section 161 Cr.P.C. on the very next day of the occurrence is in tune with what the said witness had deposed in the Court.

9. If the circumstances enumerated above that appear from the evidence of the prosecution witnesses as against the accused are held to be proved and established, as we are inclined to hold, there can be a little doubt that the said evidence can reasonably lead to only one conclusion to the exclusion of any other, namely, it is the accused alone and nobody else who had committed the crime. The circumstances proved

by the prosecution, details of which have been set out above, leave us satisfied that the conviction of the accused-appellant under Section 302 IPC is fully justified. We will, therefore, have no occasion to interfere with the same. Accordingly, we sustain the conviction of the accused-appellant and the sentence imposed. The appeal is consequently dismissed.

....., J.
(RANJAN GOGOI)

....., J.
(ABHAY MANOHAR SAPRE)

....., J.
(R. BANUMATHI)

NEW DELHI
MAY 09, 2018

ITEM NO.102

COURT NO.3

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

Criminal Appeal No(s). 2383/2009

PUTTAPAKA VENKATESHWARLU
@ VENKATAIAH

Appellant(s)

VERSUS

THE STATE OF ANDHRA PRADESH

Respondent(s)

Date : 09-05-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MRS. JUSTICE R. BANUMATHIFor Appellant(s) Mr. Shekhar Prit Jha, AOR
Mr. Naveen Chaudhary, Adv.
Ms. Himani Mishra, Adv.For Respondent(s) Mr. Mrityunjai Singh, Adv.
Mr. Bina Badhavan, Adv.
Mr. S. Udaya Kumar Sagar, AORUPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the
signed order.Pending application(s), if any, shall stand
disposed of.(NEETU KHAJURIA)
COURT MASTER(ASHA SONI)
BRANCH OFFICER

(Signed order is placed on the file.)