

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). 1359 OF 2003

PUBLIC PROSECUTOR, HIGH COURT OF A.P.

Appellant (s)

VERSUS

M. NARANDRA REDDY & ORS.

Respondent(s)

Date: 29/04/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s)

Mr. I.Venkatanarayan, Sr.Adv.
Ms. C.K.Sucharita, Adv.
Ms. Nirada Das, Adv.
Mrs.D. Bharathi Reddy, Adv.

For Respondent(s)

Ms. T.Anamika, Adv. (NP)

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

The appeal is dismissed.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1359 OF 2003

PUBLIC PROSECUTOR, HIGH COURT
OF A.P.

.. APPELLANT(S)

vs.

M. NARANDRA REDDY & ORS.

.. RESPONDENT(S)

O R D E R

Four accused were brought to trial for the murder
of one Suneel Kumar Reddy committed on 29th March, 1994.

The Trial Judge in the course of an elaborate judgment disbelieved the prosecution story and acquitted the accused by judgment dated 31st January, 2000. An appeal taken by the State of Andhra Pradesh before the High Court was also dismissed by the impugned judgment dated 7th June, 2002. The State of Andhra Pradesh is before us after the grant of special leave.

We have heard Mr. I. Venkatanarayan, the learned senior counsel for the appellant and have gone through the record. We find that the High Court has endorsed the view of the Trial Court and held that PW.1- the first informant had changed his testimony in Court and had made very significant improvements at that stage inasmuch that he had not named PWs. 3,4 and 5 as being eye witnesses in the FIR. It has also been held that the evidence with regard to the time of the occurrence was also uncertain in

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that some of the witnesses had said that the incident had happened at about 9.00 a.m. whereas the prosecution story was that it had happened at 11.00 a.m. It has further been observed that there was a doubt about the place of occurrence with the result that even for this reason the presence of the eye witnesses was a matter of suspicion. The High Court has further held that there was a delay in the lodging the FIR and in the delivery of special report to the Magistrate.

We are, therefore, disinclined to interfere in the concurrent findings of acquittal recorded by the Courts below.

The appeal is dismissed accordingly.

.....J.
(HARJIT SINGH BEDI)

New Delhi,
April 29, 2010.

.....J.
(C.K. PRASAD)