

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 670 OF 2008

STATE OF A.P.

Appellant (s)

VERSUS

MEDEBOINA KANAKAIAH

Respondent(s)

O R D E R

Aggrieved by judgment of the High Court of Andhra Pradesh in Criminal Appeal No. 547 of 1999 dated 7th June, 2002, the instant appeal is preferred by the State.

By the judgment and order, the sole respondent accused was acquitted of the charge under Section 302 IPC by reversing the judgment of the trial Court in Sessions Case No. 623 of 1997 of the Sessions Judge, Warrangal. The deceased Adepu Rajeshwar and the respondent herein were employed with Aleti Rajaiah, PW 1 as watchman of the mango orchard belonging to Aleti Rajaiah PW 1. On 9th September, 1997, the respondent was charged to have committed the murder of above mentioned Adepu Rajeshwar at about 2300 hours in the mango grove of PW 1 in a village of Warrangal District.

According to the prosecution, PW 1, accused and the deceased went to the mango orchard at around 8.00 p.m. Sometime later, PW 1 returned back to his home and at 12 midnight, the accused went back to PW 1 and informed him that the deceased was killed by somebody. On receipt of such information, PW 1 along with his brother-in-law Rajaiah and Shankar went to the village sarpanch Bikshapathi and informed him of the incident. Thereafter, all of them went to the place i.e. nearby field of Uppalaiah where the dead body was lying. They noticed axe injuries on the dead body. The accused accompanied them to the scene of occurrence and later fled away. Thereafter, the report was made to the police. The police, after examination filed a charge-sheet and the respondent was sent for trial under Section 302 IPC.

From the judgment of the High Court, it can be seen that it is a case of circumstantial evidence. Only two circumstances were projected by the prosecution for securing the conviction of the respondent. One, that the accused and the deceased were last seen together around 8.00 p.m. on the fateful day. Two, that there was an extra judicial confession by the accused to PW 8 which led to the recovery of the weapon. Though prosecution projected PW 2 as an eye-witness to the incident, the evidence of PW 2 was rejected by the trial Court.

In so far as the extra judicial confession is concerned, the High Court recorded a finding that the so called extra judicial confession was made during the interrogation of the accused while he was in the custody of the police. The trial Court, therefore, rightly declined to rely upon the said circumstances. Once that is rejected, the only circumstance remaining is that the accused and the deceased were seen together several hours before his murder and there is no other evidence to connect the respondent with the offence.

In the circumstances, in our opinion, the High Court rightly reversed the conviction of the respondent.

We do not see any reason to interfere with the same. The appeal

is dismissed. We regret to say that in the process, the respondent, it appears spent almost 12 years in prison. He may be released forthwith, if not required in any other case.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(J. CHELAMESWAR)

NEW DELHI  
MARCH 13, 2014.

ITEM NO.112

Court No.3

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). 670 OF 2008

STATE OF A.P.

Appellant (s)

VERSUS

MEDEBOINA KANAKAIAH

Respondent(s)

(With appln(s) for substituted service and with office report)

Date: 13/03/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Appellant(s) Mr. Mayur R. Shah, Adv.  
Mr. D. Mahesh Babu, Adv.

For Respondent(s)  
Mr. Jitendra Kumar, Adv.  
Mr. Raj Kishor Choudhary, Adv.  
Mr. Alok Kumar, Adv.  
Mr. Abhijeet Kumar, Adv.

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

The appeal is dismissed in terms of the signed order. We regret to say that in the process, the respondent, it appears spent almost 12 years in prison. He may be released forthwith, if not required in any other case.

| (DEEPAK MANSUKHANI) | (M.S. NEGI) |  
| Court Master | Assistant Registrar |

(Signed order is placed on the file)