

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 667 OF 2016
(Arising out of SLP(Crl.) No. 4968 of 2011)

STATE OF KARNATAKA

PETITIONER(S)

VERSUS

PARAMESHWAR NINGAPPA BANNASODE

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

The only respondent who is presently concerned in this case

is A-2. It is stated that A-1, during the pendency of the proceedings, passed away, therefore, his acquittal is not challenged by the prosecution.

Our attention was drawn to the evidence and finding recorded by the Division Bench of the High Court of Karnataka Circuit Bench. The Division Bench, at paragraph 17 of the impugned judgment and order, recorded a finding with reference to the cross-examination of PW-1 and PW-2, which is reproduced hereinbelow:

"A further revelation in the course of cross-examination of PW-1 & 2 which was of significance, as pointed out by the trial Court, and which fact was not stated either in the complaint or in their examination-in-chief, is that Chandramappa, the father of the complainant and Chanagoud the elder brother of the complaint, were also the accused

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in the murder case of Chandrashya, the elder brother of

Digitally signed by
RASHI GUPTA
Date: 2016.07.23

A-1, who was done to death about 8 years prior to the

11:37:40 IST
Reason:

present incident - though the two were acquitted of the charges - the trial Court has held that this connection, made PW-1 & PW-2 partisan witnesses, interested in supporting the case against the accused in the present case."

Having regard to aforesaid observation in the impugned judgment and order, the peculiar facts and circumstances of the case, material available on record, the rival legal submissions advanced by

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

Delay condoned.
Leave granted.
Criminal Appeal is allowed in terms of the Signed Order.
Pending application(s), if any, stands disposed of.

(RASHI GUPTA)
SR. P.A.

(SUMAN JAIN)
COURT MASTER

[SINGED ORDER IS PLACED ON THE FILE]