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Cr1.A.No. 1380 OF 1999
ITEM No.108

Court No.7

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.1380/1999

K. BRAHMAIAH Appellant (s)

VERSUS

STATE OF ANDHRA PRADESH Respondent (s)

Date : 18/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant (s)
Mr.S. Muralidhar,Adv.

For Respondent (s)
Mrs.D. Bharathi Reddy,Adv.

UPON hearing counsel, the Court made the following

O R D E R

The appeal is dismissed. The appellant is on bail. His bail bonds are cancelled. The appellant be taken into custody forthwith to serve out the remaining part of sentence, the compliance of which must be sent to this Court by the trial court within a period of one month from the date of receipt of the copy of this order by the trial court.

(Vijay Kumar Sharma)(Om Prakash)
AR cum PS to Hon.Judge Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1380/1999

K. BRAHMAIAH..Appellant

Versus

STATE OF ANDHRA PRADESH

..Respondent

O R D E R

Heard the parties.

The appellant along with K.Venkateshwarlu (A-2) and Smt. Ramanamma (A-3) was tried and by judgment dated 11.7.1994 rendered by the trial court while co-accused persons were acquitted of the charges, the appellant was convicted under Section 306 IPC and sentenced to undergo R.I. for a period of seven years. He was further convicted under Section 498A IPC and sentenced to undergo R.I. for a period of two years and to pay a fine of Rs.200/-. In default in payment of fine he was to undergo further simple imprisonment for a period of two months. However, both the sentences were ordered to run concurrently. On appeal being preferred by the appellant, the High Court of Andhra Pradesh by the impugned judgment set aside his conviction under Section 306 IPC but maintained the same under Section 498A IPC. Hence this appeal by special leave.

:-2:-

Having heard the parties and perused the record, we are of the opinion that no case for interference is made out. The appeal, therefore, fails and the same is accordingly dismissed. The appellant is on bail. His bail bonds are cancelled. The appellant be taken into custody forthwith to serve out the remaining part of sentence, the compliance of which must be sent to this Court by the trial court within a period of one month from the date of receipt of the copy of this order by the trial court.

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

.....J
(P.K. Balasubramanyan)
New Delhi,
November 18, 2004