

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1171 OF 2005

HARISHA @ HANUMANTHARAJU

.....APPELLANT(S)

VERSUS

STATE OF KARNATAKA

.....RESPONDENT(S)

## O R D E R

The appellant stands convicted under Section 307 of the Penal Code. The trial court sentenced him to rigorous imprisonment for three years besides fine of Rs.2000/- subject to the stipulation that on failure to pay the fine he would undergo simple imprisonment for three months. The High Court reduced the sentence to rigorous imprisonment to two years and the amount of fine to Rs.1000/- with the same default clause.

According to the prosecution case, the appellant tried to kill the victim Nagarathamma (PW-2) by throttling her with a nylon rope. The occurrence took place on May 10, 1995 at 8 P.M. near Bhuvanewari temple in Kadur town. At about 6, the following morning one Ansar PW-3 passing by the spot found her lying there. She was taken to the hospital where, on medical treatment, she was able to survive. The prosecution case is primarily based on the evidence of the victim (PW-2), in which she narrates the circumstances and the manner in which she was attacked by the appellant. Her evidence is fully supported by the medical report according to which she was unconscious when she was brought to the hospital. The medical report further found a ligature mark in the front of her neck just below the chin measuring 16 x ¼ inches.

On hearing Mr. Shekhar G. Devasa, learned counsel appearing for the appellant, and on going through the materials on record, we are satisfied that the trial court rightly arrived at the finding of the appellant's

guilt and it was duly affirmed by the High Court on a proper consideration of all the evidences produced by the prosecution.

Mr. Devasa submitted that the FIR in the case was instituted three days after the victim was found near the temple and there was, thus, inordinate delay in lodging the case. He even suggested that when the victim had come across PW-3, she was in a position to speak and, therefore, there was no reason for any delay in lodging the FIR.

The plea raised on behalf of the appellant is sufficiently explained by the deposition of the victim herself, who in course of cross-examination stated as follows:

"I do not know the date, month when I was proceeding from Vajarahalli to Dibbur, but it was about 3 months less to 2 years. When I was lying nearby the temple when the persons were loosening the rope from my neck, I saw the said persons and reckoned them by face. At that time, I talked with the said persons who were loosening the rope, to take me to the hospital. Before I was taken to hospital, a police by name Siddappa had come to the spot. Only after I regained my consciousness, after 3 days, the said police Siddappa made enquiries with me in the hospital. When I regained my consciousness, after 3 days in the hospital, the persons who had brought me from the spot to the hospital were not present in the hospital."

Mr. Devasa further submitted that there was no motive for the appellant to commit the offence.

In view of the clear evidence supporting the prosecution case, there is no need for the Court to go into the question of motive. Moreover, it appears that the victim had objected to the suggestion made by the appellant that they should spend the night at the residence of one of his relatives and that led to the quarrel, prompting the appellant to commit the offence. Be that as it may, in view of the compelling prosecution

evidence, the issue of motive is of hardly any significance.

Having heard Mr. Devasa and having gone through the materials on record, we find no merit in the criminal appeal. It is, accordingly, dismissed.

The appellant was granted bail by this Court by order dated November 25, 2005. The bail bonds of the appellant are cancelled and the appellant is directed to surrender to serve out the remaining part of his sentence.

.....J  
(AFTAB ALAM)

.....J  
(RANJANA PRAKASH DESAI)

NEW DELHI,  
OCTOBER 18, 2011.  
ITEM NO.101

COURT NO.6

SECTION IIB

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). 1171 OF 2005

HARISHA @ HANUMANTHARAJU

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for permission to file additional documents and office report)

Date: 18/10/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Appellant(s)

Mr. Shekhar G. Devasa, Adv.  
Mr. Dinesh Kumar Garg, Adv. (NP)

For Respondent(s)

Mr. V.N. Raghupathy, Adv. (NP)

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

The criminal appeal is dismissed.

The appellant was granted bail by this Court by order dated November 25, 2005. The bail bonds of the appellant are cancelled and the appellant is directed to surrender to serve out the remaining part of his sentence.

(N.S.K. Kamesh)  
Court Master

(Sneh Bala Mehra)  
Court Master

(signed order is placed on the file)