

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2235 OF 2010
(Arising out of S.L.P.(Crl.) No.4721 of 2010)

Narayana Reddy @ Babu

...Appellant

Versus

State of Karnataka

...Respondent

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 25th March, 2010 passed by the High Court of Karnataka at Bangalore in Criminal Appeal No.578 of 2007.

The appellant is convicted for the offence punishable under Section 302 I.P.C. and sentenced to suffer life imprisonment. There are altogether six accused charged for the offence punishable under Section 302 read with Section 34 I.P.C. The trial court, on appreciation of the evidence available on record, acquitted A-3, A-5 and A-6. A-4 died during the pendency of the trial. The High Court, upon consideration of the evidence, acquitted A-2 of the charge. Ultimately, the appellant (A-1) alone stands convicted for the offence under Section 302 I.P.C.

The entire prosecution case rests upon the evidence of P.W.1 who is stated to be an eye-witness to

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the incident. The appellate court did not consider the evidence of P.W.1 in proper perspective. There is no discussion and any analysis of the evidence of P.W.1. Needless to state that the High Court, being the first appellate court, ought to have considered and assessed the evidence of P.W.1. In such view of the matter, we find it difficult to sustain the judgment of the High Court convicting the appellant herein for the offence

For Respondent(s)

Ms. Anitha Shenoy, Adv.

Mr. Sanjay R. Hegde, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

We remit the matter for fresh consideration by the High Court. We request the High Court to dispose of the matter as expeditiously as possible, preferably within six months from today.

It is brought to our notice by the learned senior counsel that the appellant was on bail during the trial of the sessions case. In the circumstances, we direct release of the appellant on bail subject to the

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satisfaction of the trial court during the pendency of the appeal.

The Appeal is disposed of.

(N. Annapurna)
AR-cum-PS

(Renuka Sadana)
Court Master

(Signed order is placed on the file)