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Cr1.A.No. 1153 OF 2001
ITEM NO.110

COURT NO.09

SECTION IIA

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.1153/2001 @@
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PATNALA VENKATA RAMANA ... APPELLANT (S)

VERSUS

STATE OF A.P. ... RESPONDENT (S)

Date : 07/08/2002 This appeal was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Appellant(s): Mr. M. Qamaruddin,Adv.

For respondent(s): Mr. G. Prabhakar,Adv.

UPON hearing counsel the Court made the following
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Mr. M. Qamaruddin, learned counsel started his arguments at 3.00 P.M. and concluded at 3.45 P.M. The appeal is dismissed in terms of the signed order.

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(Ganga Thakur)
P.S.to Registrar

(Prem Prakash)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1153 OF 2001@@
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-Versus-

STATE OF A.P.

..... RESPONDENT

O R D E R@@
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L.....L.....I.....T.....T.....T.....T.....T.....J
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The appellant was charged for offence punishable under Section 302 for having committed murder of his wife Satyaveni before the Court of Sessions, East Godavary, Division at Kakinanda. The learned Sessions Judge accepted the prosecution case and convicted the appellant and sentenced him to undergo imprisonment for life. The appeal before the High Court having been failed, the appellant is before us in this appeal.

The prosecution case briefly is that the appellant had caught the deceased in a compromising position with one Moshe, who was his neighbour, on 11th of October, 1997. Since that day he was insisting that his wife should apologise to him for the said incident which she was refusing to do so. He was also insisting that she should brake her relationship with said Moshe
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which also his wife refused to do so. On 14th of October, 1997 at about 10.00 A.M. when there was none else except small child, the appellant came there and insisted his wife for apologising for the conduct of 11th of October, 1997. When she refused to do so he tied her hands and legs and using the scissors which he used in his profession as a tailor, stabbed her six times on her neck. In that process it is stated that he also suffered minor injury on his hand. Thereafter he covered the body of his wife, took his minor child and left her with one Aya who was working in Anganwadi School. It is also stated that the appellant went to P.W. 3 who happened to be a Ward Councillor, in which the appellant was the resident, made confession to him by informing him that he had killed his wife. The said confession of the appellant was recorded by PW 3 which is Exhibit P-1. The further case of the prosecution is that PW 3 took the appellant to the Police Station where along with this report Exhibit P-2, he informed the police of the incident. PW 15, the Investigating Officer registered a crime based on the said statement of PW 3.
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Immediately on registering the crime, PW 15 took up the investigation, went to the place of incident conducted inquest, he also recovered number of material objects out of which scissor was found stuck to the neck of the deceased and M.O. 3 the blood stains shirt which

belonged to the appellant.

During the course of investigation the appellant was sent for medical examination because of the injury in his hand and the appellant was examined by PW 13 who, in the course of examination made a record of the statement made to him by the appellant as to how he came to suffer the injury. In that statement appellant admitted that he has killed his wife. The said statement is marked as P-16. Based on the said evidence, as stated above the learned Sessions Judge convicted the appellant for offence punishable under Section 302 IPC and the appeal was dismissed.

Mr. Qamaruddin, learned counsel appearing for the appellant strenuously contended before us that the courts below have erred in accepting the so called extra judicial confession to PW 3 because of the fact that PW 3 was a stranger and there was absolutely no reason why the
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appellant should make such a confession to a stranger. He also submitted the material witnesses like Moshe with whom the deceased was found on the 11th of October, not having been examined the prosecution case is not free from doubt. Therefore, he pleaded that the appellant is entitled for benefit of doubt in this case.

We have carefully considered the material on record and also the arguments addressed on behalf of the parties. We are satisfied that the confession made by the appellant to PW 3 is acceptable. We have not been able to find any reason why the same should be rejected. PW 3 had nothing against the appellant and he being Councillor, it is natural that the appellant should have approached him for the purpose of getting some protection before approaching the police. This confession made to PW 3 is further supported by the fact that the scissors belonging to the appellant was found on the neck of the deceased as also M.O. 3 the bloodstains shirt admittedly belonging to the appellant was found at the place where the appellant and the deceased were living together. In these circumstances, in our opinion the courts below were justified in coming to the
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conclusion that the appellant is guilty of the offence charged against him. Having considered the material on record and having heard the counsel we are in agreement with the courts below in accepting the circumstantial evidence and we find no infirmity in the same. The appeal is dismissed.

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.....J.
(N. Santosh Hegde)

New Delhi,
August 7, 2002.

.....J.
(Bisheshwar Prasad Singh)

.SP1