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CrI.A.No. 1309 OF 1998
ITEM No.108

Court No.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CrI.A.No.1309/1998

State of Kerala

Appellant (s)

VERSUS

Sathyan

Respondent (s)

Date : 13/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE Dr. JUSTICE AR.LAKSHMANAN

For Appellant (s)
Mr. Ramesh Babu M.R., Adv.

For Respondent (s)
Mr.Swetank K. Shantnu, Adv.
Mr.Rajiv Talwar, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(Sheetal Dhingra)(Kanwal Singh)
Court Master Court Master
[The signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1309 OF 1998

State of Kerala

...Appellant (s)

Versus

Sathyan

..Respondent(s)

O R D E R

Heard the parties.

The sole respondent was convicted by trial court under Section 302 of the Indian Penal Code (hereinafter referred to as 'the IPC') and sentenced to undergo imprisonment for life. He was further convicted under Section 449 of the IPC but no separate sentence was awarded on this count. On appeal being preferred by the respondent, the High Court of Kerala passed the impugned order of acquittal. Hence this appeal by special leave.

In the present case, there is no direct evidence and the decision of the trial court was based upon circumstantial evidence. The High Court has given cogent reasons for coming to the conclusion that the prosecution has failed to prove the circumstances by credible evidence. In our view reasoning of the High Court cannot be said to be perverse in any manner, as such it is not possible to interfere with the order of acquittal. The appeal is accordingly dismissed.

.....J.
(B.N. AGRAWAL)

.....J.
(Dr. AR. LAKSHMANAN)
New Delhi
April 13, 2004.