

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.988 OF 2000

PARAPPA GURUBASAPPA ASANGI

Appellant (s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With prayer for interim relief and office report)

Date: 22/03/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s)

Mr. A.T.M. Rangaramanujam, Sr. Adv.

Mr. Rakesh K. Sharma, Adv.

For Respondent(s) Mr. Sanjay R. Hegde, Adv.

Mr. Vikrant Yadav, Adv.

Mr. Amit Kumar Chawla, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties.

The appeal is dismissed. Bail bonds of the appellant, who is on bail are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence.

[Alka Dudeja]

Court Master

[Vijay Aggarwal]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.988 OF 2000

Parappa Gurubasappa Asangi

...Appellant(s)

Versus

State of Karnataka

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

The Trial Court convicted accused-Hanamanta (A-1)

under Section 302 of the Indian Penal Code [hereinafter referred to as 'I.P.C.'] and sentenced him to undergo imprisonment for life. The other five accused persons, including the appellant, were acquitted of all the charges. Against the order of acquittal, the State of Karnataka filed an appeal in the High Court; whereas the convicted accused preferred an appeal against his conviction. The High Court confirmed the conviction of Hanamanta (A-1), but so far as the State is concerned, it confirmed acquittal of other four accused persons, but reversed the order of acquittal passed by the Trial Court in relation to the appellant herein and convicted him under Section 302/34 I.P.C.

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and sentenced him to undergo imprisonment for life. Against the order confirming acquittal of other accused persons, no appeal has been filed before this Court, inasmuch as accused Hanamanta (A-1) has also not preferred any appeal against the order of the High Court confirming his conviction. The appeal has been filed by the sole appellant against his conviction recorded by the High Court.

In the present case, the prosecution has examined three persons as eye witnesses. So far as P.W.1 [Irappa Wali] is concerned, the High Court has doubted veracity of his statement

and has not placed any reliance thereupon. So far as P.W.5 [Muttawwa] is concerned, the High Court came to the conclusion that he could not have been eye witness to the occurrence, but went on to record its conclusion that this witness arrived immediately after the occurrence and had seen the accused persons, including the appellant, at the place of incident. Thus, remains the solitary eye witness P.W.4 [Girewva Vali], who has consistently supported the prosecution case that the appellant assaulted the deceased with a sickle on his right hand. The evidence of this witness is corroborated by the medical evidence as the P.W.3 [Dr. Hosur], who conducted the post-mortem examination, found that injury No.3 was on the right hand and the same could have been caused by a sickle. Apart from the fact that the evidence of P.W.4 is supported by the medical evidence, his evidence is further corroborated by the evidence of P.W.5 at least to this extent that when she arrived at the place of

....3/-

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occurrence, the accused persons were there. This being the position, we are of the view that the prosecution has succeeded in proving its case beyond reasonable doubt so far as the appellant is concerned and the High Court was quite justified in reversing the order of acquittal and convicting him.

Accordingly, we do not find any merit in the appeal,
which is, accordingly, dismissed. Bail bonds of the appellant,
who is on bail are cancelled and he is directed to be taken into
custody forthwith to serve out the remaining period of sentence.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

.....J.

[B. SUDERSHAN REDDY]

New Delhi,

March 22, 2007.