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Cr1.A.No. 435 OF 1998

ITEM No.103

Court No.9

SECTION II

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.435 of 1998

State of A.P. Appellant.

VERSUS

N. Musalappagari Nagaseshaiah Respondent.

Date : 28/04/2004: This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant (s) Mr. Guntur Prabhakar, Adv.

For Respondent (s) Mr. R.K. Reddy, Adv.
Mrs.D. Bharathi Reddy, Adv.

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

Heard learned counsel for the parties for five
minutes.
The appeal is dismissed in terms of the signed
order.

(R.K. DHAWAN) (VEERA VERMA)
COURT MASTER COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.435 OF 1998

State of A.P..... Appellant.

Versus

N. Musalappagari Nagaseshaiah.... Respondent.

O R D E R

This is an appeal preferred by the State against the judgment of the Division Bench of the High Court of Andhra Pradesh. The respondent was tried for the offence of murder alleging that he caused the death of one Somasekhara at about 11.30 p.m. on 29.3.1994. The respondent as well as the deceased were resident of the same village. On 29.3.94 at about 5 p.m. there was small quarrel between the appellant and the deceased when the panchayat was going on and it appears that deceased addressed the respondent as 'deaf man'. Thereupon the respondent got wild and they exchanged blows and others intervened and pacified. The further case of the prosecution is that at 11.30 p.m., the accused went to the house of the deceased and while the later was sleeping cut his throat with a knife. The deceased on sustaining injuries went near his uncle who was sleeping few yards away. He embraced his uncle and fell down dead. Mother of the deceased came there. PW-1 later
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went to the Hussainapuram Police Station and gave a report regarding the incident. The police after investigation filed a chargesheet. The Division Bench found that the evidence of the prosecution witnesses was not convincing. In the FI statement the names of the two witnesses who had alleged to have seen the accused running away from the scene were not mentioned. These two witnesses had also not seen the actual incident. Moreover, they are close relatives of the deceased and the High Court held that the evidence is unacceptable and untrustworthy. In this background, we do not think that this is a fit case this Court intervene against the acquittal passed by the High Court. The appeal is, therefore, dismissed.

.....J
(K.G. BALAKRISHNAN)

.....J
(B.N. SRIKRISHNA)

NEW DELHI;
APRIL 28, 2004.