

Crl.A.No. 348 OF 1998
ITEM No.105

Court No. 5

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.348 OF 1998

State of Andhra Pradesh Appellant(s)

VERSUS

Pusam Ramaiah Respondent(s)

Date : 10/03/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

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

For Respondent (s)

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

The appeal is dismissed in terms of the signed order.

(Neena Verma) (Vijay Aggarwal)
Court Master Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.348 OF 1998

State of Andhra Pradesh
...Appellant

Versus

Pusam Ramaiah
...Respondent

O R D E R

The above appeal has been filed by the State of Andhra Pradesh against the judgment of a Division Bench of the High Court of Andhra Pradesh dated 01.07.1996 in Criminal Appeal No.672 of 1994 whereunder the High Court, while partly allowing the appeal filed by the respondent, had altered his conviction into one under Section 304-A IPC, instead of under Section 302 IPC, as convicted by the learned Sessions Judge. Heard Mr. Guntur Prabhakar, learned counsel appearing for the appellant-State. The respondent,

though served with notice and also the notice of lodgment of the appeal, has not chosen to enter appearance to contest the appeal.

On going through the judgment of the courts below, as also the evidence on record to which our attention has been drawn at considerable length by the learned counsel for the appellant, we are of the view that no exception could be taken to the well merited conclusions arrived at by the learned Judges of the Division Bench in the High Court. The evidence on record go to show that the occurrence took place in the Jawar field wherein the accused was shooting birds with arrow and one such arrow released appears to have unintendedly seem to have fell on the deceased, resulting in his death.

In the light of the above, merely because there were some strained relationship between the parties, it cannot be assumed to be a case of murder, so long as the place of occurrence and the purpose of releasing the arrows were found to be to drive away the birds in the Jawar field and, consequently, the manner of appreciation of evidence by the High Court cannot be considered to be either arbitrary or so unreasonable and perverse as to warrant interference of this Court in this appeal. The appeal, consequently, fails and shall stand dismissed.

.....J.

(DORAISWAMY RAJU)

.....J.

(ARIJIT PASAYAT)

New Delhi,
March 10, 2004.