

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1271 OF 2010

SHANKRAPPA SHARNAPPA KACHANUR & ORS.

APPELLANT(S)

VERSUS

STATE OF KARNATAKA

RESPONDENT(S)

WITH

CRIMINAL APPEAL No.1272 of 2010

O R D E R

1. Heard learned counsel for the appellant. It is stated that appellant No.1 is no more. Accordingly, appeal qua appellant no.1 is dismissed as abated.
2. The appellants have been charged with the offence punishable under Section 324 read with Section 149 of the Indian Penal Code. The case against the appellants is that due to the prior enmity all of them joined together and attacked the victim. The Trial Court acquitted the accused.

However, the High Court on re-appreciating the evidence, rendered conviction.

3. Learned counsel appearing for the appellants submitted that it is a case of double presumption. The Trial Court which has the benefit of seeing the witnesses in person doubted the testimony and rendered acquittal. The Appellate Court without seriously finding fault with the view adopted by the Trial Court, however, reversed it. No finding has been specifically rendered on the approach adopted by the Trial Court.
4. Learned counsel appearing for the State submitted that the evidence of PW-1, 3, 4, 6 and 8 have been taken into consideration along with PW-9 and 12 who are the independent eye-witnesses. In such view of the matter, there is no need for interference.
5. We find force in the submissions made by learned counsel appearing for the appellants. We have perused the impugned judgment. It runs mere three paragraphs. However, in the said judgment, the approach adopted by the Trial Court has been discussed. While the Appellate Court had re-appreciated the evidence, it did not specifically give a finding as to how the Trial Court

committed a wrong. On perusal of the Trial Court judgment, it has given cogent reasoning for displaying the testimonies of the eye-witnesses.

6. In such view of the matter, we have no hesitation in setting aside the impugned judgment. Accordingly, the appeals are allowed. The bail bonds stands discharged.
7. Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
1ST AUGUST, 2024

ITEM NO.112

COURT NO.13

SECTION II-C

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

Criminal Appeal No(s). 1271/2010

SHANKRAPPA SHARNAPPA KACHANUR &amp; ORS.

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

WITH

Crl.A. No. 1272/2010 (II-C)

Date : 01-08-2024 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s) Ms. Supreeta Sharanagouda, AOR  
Mr. Sharanagouda Patil, Adv.  
Mr. Jyotish Pandey, Adv.

Mr. Basavaprabhu S. Patil, Sr. Adv. (N.P.)  
Mr. Anirudh Sanganeria, AOR  
Mr. Samarth Kashyap, Adv.

For Respondent(s) Mr. D. L. Chidananda, AOR

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

The appeals are allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(SWETA BALODI)  
COURT MASTER (SH)

(POONAM VAID)  
COURT MASTER (NSH)

(signed order is placed on the file)