

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.134 of 2005

G.VENKATSH MURTHY Appellant (s)

VERSUS

STATE OF KARNATAKA Respondent(s)

WITH

CRIMINAL APPEAL NO.135 of 2005

VENKATESHA Appellant (s)

VERSUS

STATE OF KARNATAKA Respondent(s)

O R D E R

1. By our order dated 18th January, 2012, we directed learned counsel for the respondent - State of Karnataka to file an affidavit, after verification, stating whether the appellants have already served the sentence awarded to them, keeping in view the fact that they were reported to be continuously undergoing imprisonment from 30th July, 1997.

2. Learned counsel for the respondent has today placed on record a communication dated 13.03.2012 received from the Principal Secretary to Government, Home Department, Vidhana Soudha,

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Bangalore, enclosing therewith Flag 'A', from which it appears that appellant G.Venkatsh Murthy son of Gopala, appellant in Criminal Appeal No. 134 of 2005, has since been released prematurely on 15.08.2006 as per G.O. No. HD/140/PRA/2006 dated 14.08.2006.

3. In so far as other accused Venkatesha son of Gurappa, appellant in Criminal Appeal No. 135 of 2005, is concerned, he is still in custody having undergone only 12 years of actual

imprisonment.

4. Mr. Seeraj Bagga, learned counsel appearing for the

appellants on behalf of Ms. Tanuj Bagga Sharma, Advocate, (A.C.), who is not present, submitted that in so far as Criminal Appeal No. 134 of 2005 is concerned, the same can be disposed of as infructuous in the light of subsequent developments mentioned above and connected Criminal Appeal No. 135 of 2005 listed for hearing on some other day.

5. We, accordingly dismiss Criminal Appeal No. 134 of 2005 as infructuous and adjourn Criminal Appeal No. 135 of 2005, to be placed for hearing in the month of April, 2012.

4. Since the paper books filed by the appellants for both the appeals, appear to be common, the paper books of Criminal Appeal No. 134 of 2005 shall be retained till the disposal of Criminal Appeal No. 135 of 2005.

.....J.

(T.S. THAKUR)

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.....J.
(GYAN SUDHA MISRA)

New Delhi
March 14, 2012

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ITEM NO.103

COURT NO.12

SECTION IIB

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(s). 134 OF 2005

G.VENKATSH MURTHY

Appellant (s)

VERSUS

STATE OF KARNATAKA Respondent(s)
(With appln(s) for suspension of sentence and permission to file additional documents and office report)

WITH APPEAL(CRL) NO. 135 of 2005
(With appln(s) for suspension of sentence and permission to file additional documents and office report)

Date: 14/03/2012 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Seeraj Bagga, Adv. for
Ms. Tanuj Bagga Sharma, Adv. (A.C.)

For Respondent(s) Mr. Gurudatta Ankolekar, Adv.
Mr. Raghupathy V.N., Adv.
Mr. Azeem A Kalebudde, Adv.
Mr. Sanjay R. Hegde, Adv.

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

CRIMINAL APPEAL NO(s). 134 OF 2005

The appeal is dismissed as infructuous, in terms of the
signed order.

CRIMINAL APPEAL NO(s). 135 OF 2005

List in the month of April, 2012, in terms of the signed
order.

(N.K. Goel)
Court Master
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(Veena Khera)
Court Master

(Signed order is placed on the file)