

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1460 OF 2009

KONA KIRAN KUMAR

APPELLANT(S)

VERSUS

VELTHEPU SRINIVAS & ORS.

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO.1461 OF 2009

O R D E R

We have heard learned counsel appearing for the appellants and perused the record.

The trial court had convicted the respondents-accused for the offence punishable under section 302 read with 34 of the Indian Penal Code (for short, the 'IPC') and sentenced them to undergo imprisonment for life and to pay fine of Rs.500/- each with default clause. In appeal, the High Court had on insufficient and inadequate appraisal of the evidence, reversed the conviction and ordered for acquittal of the respondents-accused. Hence, these appeals by special leave.

Mr. A. Sirajudeen, learned Senior Counsel appearing for the appellant-complainant, points out that there are total eight eye-witnesses to the occurrence of which six has positively deposed to the assault which led to the death of the deceased. The other two eye-witnesses turned hostile.

According to Mr. Sirajudeen, learned Senior Counsel for the appellant, the evidence has been discarded for untenable reasons such as the eye-witnesses reached the place of occurrence on hearing the cries. He also points out the other evidence which we are not inclined to consider in detail. Suffice it to say that the acquittal of the respondents-accused was based on an incomplete appraisal of the evidence.

Mr. Nagendra Rai, learned Senior Counsel appearing for the respondents-accused, argued with his usual vehemence that there are good grounds for acquittal. But we are not inclined to go into those arguments in view of the following order which we propose to pass :

In the circumstances, we are of the view that the impugned judgment and order passed by the High Court deserves to be set aside and it is accordingly set aside. We remand the matter back to the High Court for a fresh decision on its own merits in accordance with law.

The High Court may dispose of the matter as expeditiously as possible preferably not later than six months from the date of receipt of copy of this order.

The respondents-accused shall remain on bail till the final decision of the High Court.

With the aforesaid directions, these appeals are disposed of.

.....J
[S. A. BOBDE]

.....J
[L. NAGESWARA RAO]

NEW DELHI;
OCTOBER 04, 2018.

ITEM NO.103

COURT NO.5
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION II

Criminal Appeal No(s).1460/2009

KONA KIRAN KUMAR

Appellant(s)

VERSUS

VELTHEPU SRINIVAS & ORS.

Respondent(s)

WITH Cr1.A. No. 1461/2009 (II)

Date : 04-10-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Appellant(s)

Mr. A. Sirajudeen, Sr. Adv.
Mr. G. Seshagiri Rao, Adv.
Mr. Rahul Aggarwal, Adv.
Mr. Amit Pratap Singh, Adv.
Mr. Kerri Venkat Reddy, Adv.
Mr. Sridhar Potaraju, AOR

Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

Mr. D. Mahesh Babu, AOR

For Respondent(s)

Mr. Nagendra Rai, Sr. Adv.
Mr. S. Sadasiva Reddy, Adv.
Mrs. S. Usha Reddy, AOR
Ms. S. Spandana Reddy, Adv.
Ms. Prerna Singh, Adv.

Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

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

These appeals are disposed of in terms of the signed order.

Pending interlocutory applications, if any, stand disposed of.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)