

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1238 OF 2010

GUMMALA DAMODAR REDDY

APPELLANT(S)

VERSUS

STATE OF ANDHRA PRADESH

RESPONDENT(S)

O R D E R

The appellant stands convicted under Section 302 IPC. He is stated to have run over the deceased repeatedly with a tractor in the fields on 10.05.2004. The post-mortem report reflects a total of 22 injuries. A First Information Report (FIR) was lodged on the statement of the injured himself who was deceased subsequently, 9 days later. In his statement, the deceased referred to the presence of PW-1 also at the time of occurrence.

Learned counsel for the appellant sought to persuade us that PW-5 and PW-8 were not really eye-witnesses to the occurrence. The deceased was not in a condition to make any statement.

We have heard learned counsel for the State also.

In view of the fact that the deceased lodged the FIR himself before he expired 9 days later, we find no reason to believe that he was not in a position to make any statement because of his medical condition. In any event

considering that the presence of PW-1 has been mentioned in the FIR itself along with the presence of PW-8 in the adjacent field who saw the appellant running the tractor over the deceased, the fact that PW-5 may not actually have been an eye-witness, as we were sought to be persuaded, to our opinion, makes no difference.

We, therefore, find no reason to interfere with the impugned order of conviction. The appeal is dismissed.

We are informed that the appellant has completed approximately 13 years in custody. If that be so, it shall be open for him to apply for remission, if any, which shall be considered on its own merits in accordance with law.

.....J.
[Navin Sinha]

.....J.
[Sanjiv Khanna]

New Delhi;
October 01, 2019

ITEM NO.103

COURT NO.13

SECTION II

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).1238/2010

GUMMALA DAMODAR REDDY

Appellant(s)

VERSUS

THE STATE OF ANDHRA PRADESH

Respondent(s)

Date : 01-10-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s) Ms. Chitrangda Rastravara, Adv.
 Mr. Nithin P.,, Adv.
 Celesty Agarwal, Adv.
 Oorjasvi Goswami, Adv.
 Kirti Khangarot, Adv.
 Mr. Dinesh Bhati, Adv.
 Mr. Gp. Capt. Karan Singh Bhati, AOR

For Respondent(s) Ms. Bina Madhavan, Adv.
 Mr. S. Udaya Kumar Sagar, AOR
 Ms. Swati Bhardwaj, Adv.

Mr. D. Mahesh Babu, AOR (NP)

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

The appeal is dismissed in terms of the signed order.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)