

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

Petition(s) for Special Leave to Appeal (Crl) No(s).2160/2009

(From the judgement and order dated 13/04/2007 in CRLA No.1614/2004 of the HIGH COURT OF KARNATAKA AT BANGALORE)

SHIVANAGOUD CHANEGOUD PATIL & ORS.

Petitioner(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

(With appln(s) for c/delay in filing SLP, bail and exemption from filing spare copy of proof of surrender and office report) (FOR FINAL DISPOSAL)

Date: 14/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Ms. Kiran Suri,Adv.
 Ms. Aparna (Bhat) Mattoo,Adv.

For Respondent(s) Ms. Anitha Shenoy,Adv.

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

Delay condoned.
Leave granted.

The impugned judgment is set aside and the appeal is remitted to the High Court for deciding the same afresh and the appeal is disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 109 OF 2010
(Arising out of SLP(Crl.) No.2160/2009)

SHIVANAGOUD CHANEGOUD PATIL AND ORS.

Appellant(s)

:VERSUS:

STATE OF KARNATAKA

Respondent(s)

O R D E R

Delay condoned. Leave granted.

This appeal is directed against the judgment and order dated 13th April, 2007 passed by the High Court of Karnataka in Criminal Appeal No.1614 of 2004.

The Additional Sessions Judge, Belgaum, in a double murder case, convicted the accused A-3, A-5, A-7, A-8, A-9, A-21 and A-22 for offences punishable under Section 302 read with Section 149, Sections 143, 147, 148, 324 and 148 of the Indian Penal Code and sentenced them to life imprisonment and they were also directed to pay a fine of Rs.2,000/- each and in default of payment of fine, to undergo simple imprisonment for three months.

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The High Court by the impugned judgment without discussing the evidence and examining the documents on record, upheld the conviction of A-5, A-7, A-8, A-9, A-21 and A-22 and set aside the conviction of A-3. We hardly need to remind the High Court that it was the first appeal before the High Court and the High Court was under the boundened duty to consider the entire evidence and other documents on record in detail.

In the circumstances, we are constrained to set aside the impugned judgment and remit the appeal to the High Court for deciding the same afresh after closely examining the entire evidence and other documents on record.

Learned counsel for the appellants submits that against the acquittal of A-3, the State has not preferred any appeal. Therefore, the remand is in respect of other accused excepting A-3.

With the aforementioned observation and direction this appeal is disposed of.

.....J
(DALVEER BHANDARI)

.....J
(A.K. PATNAIK)

New Delhi;
January 14, 2010.