

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). 1407 OF 2009

JAMMIGUMPALA GOPALA CHOWDRY Appellant (s)

VERSUS

STATE OF A.P. Respondent(s)
(With appln(s) for bail and office report)

Date: 13/10/2011 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Appellant(s) Mr. Rishi Malhotra,Adv.(SCLSC)

For Respondent(s) Mr. D. Mahesh Babu,Adv.
Mr. Ramesh Allanki,Adv.
Ms. Savita Dhanda,Adv.
Mrs.D. Bharathi Reddy,Adv.

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

Heard both sides.
The appeal fails and is dismissed in terms of
the signed order.

[Madhu Bala] [Savita Sainani]
Sr.PA Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1407 OF 2009

JAMMIGUMPALA GOPALA CHOWDRY ...APPELLANT

VERSUS

STATE OF A.P. ...RESPONDENT

O R D E R

Against the conviction under Section 302 IPC and
sentence of life imprisonment imposed by the Trial Court and
affirmed by the High Court, the appellant/accused filed the
above appeal.

Heard both sides.

After taking us through all the relevant materials
including the impugned judgment, learned counsel appearing

for the appellant mainly contended that conviction based on the sole eye witness PW-1 is not sustainable. In support of the above contention, he relied on two decisions of this Court reported in 2003(1) SCC 465 (Joseph Vs. State of Kerala) and 2003 (2) SCC 401 (Lallu Manjhi & Anr. Vs. State of Jharkhand).

In the light of the above contention, we read the entire evidence of PW-1 and other materials relied on by the prosecution namely the evidence of PW-2, PW-3, PW-4, PW-5 and PW-9. On going through the same, we are of the view that as rightly observed by the Trial Court and the High Court the testimony of PW-1 is cogent, reliable and acceptable. In addition to his evidence as to the actual occurrence, the other witnesses though did not witness the incident but corroborated all other aspects including motive, presence of

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PW-1 and the conduct of the accused.

If we consider the statement of other witnesses the reliance based on sole testimony of PW-1 cannot said to be either improper or unacceptable as argued by the counsel for the appellant. While there is no dispute as to the proposition of law as pointed out in those decisions, in view of the fact that PW-1 being reliable witness and statement of other witnesses support the case of prosecution, we do not find any legal and valid ground for interference with the impugned judgment of the High Court. Consequently, the appeal fails and the same is dismissed.

.....J.
[P. SATHASIVAM]

NEW DELHI
13TH OCTOBER, 2011

.....J.
[DR. B.S. CHAUHAN]