

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 181/2010

I. ARALAPPA

APPELLANT(S)

VERSUS

STATE OF KARNATAKA

RESPONDENT(S)

WITH

CRL.A. NO. 1405/2010

O R D E R

1. These appeals arise out of the judgment and order dated 28.05.2008 passed by the Division Bench of the Karnataka High Court in Crl.A. No.570/2021, thereby allowing the appeal filed by the respondent-State.
2. The appellants were tried for offences punishable under Section 489B and 381 of the IPC. The learned Trial Judge, by a well reasoned order, had acquitted the accused.
3. Being aggrieved thereby, the State went in appeal. The Division Bench of the High Court allowed the appeal filed by the State.
4. Aggrieved thereby, the present appeal has been filed by the appellants.
5. A perusal of the impugned judgment and order would reveal that the conviction is basically on the extra judicial confession of the Accused No.1, made by PW.1.
6. It is settled law that extra judicial confession is a weak piece of evidence.
7. Apart from that, the appeal before the High Court was arising out of an order of acquittal. It is more than settled that unless a view taken by the Trial Court is either perverse or impossible, the appellate court would not have reversed the order of acquittal and recorded conviction.

8. We find that the learned IV Addl. City Civil and Sessions Judge, while acquitting the accused, has discussed the evidence elaborately and given sound and cogent reasons while recording the finding of acquittal. By no stretch of imagination, the view can be said to be perverse or impossible.

9. On this short ground, the appeals deserves to be allowed. The impugned judgment and order passed by the High Court is quashed and set aside and the judgment passed by the learned IV Addl. City Civil and Sessions Judge, Mayo Hall, Bangalore, of acquittal is confirmed.

10. The appeals are, accordingly, allowed.

11. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(VIKRAM NATH)

.....J
(SANJAY KAROL)

NEW DELHI;
FEBRUARY 16, 2023

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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I. ARALAPPA

APPELLANT(S)

VERSUS

STATE OF KARNATAKA

RESPONDENT(S)

WITH

CRL.A. NO. 1405/2010 (II-C)

Date : 16-02-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROLFor Appellant(s) Mr. Amith J., Adv.
Mr. Rajesh Mahale, AORFor Respondent(s) Mr. Shubhranshu Padhi, AOR
Mr. Vishal Banshal, Adv.
Ms. Rajeshawari Shankar, Adv.
Mr. Niroop Sukrithy, Adv.
Mr. Mohd Ovais, Adv.Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.UPON hearing the counsel the Court made the following
O R D E R

The impugned judgment and order passed by the High Court is quashed and set aside and the judgment passed by the learned IV Addl. City Civil and Sessions Judge, Mayo Hall, Bangalore, of acquittal is confirmed.

The appeals are allowed, in terms of the signed order.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS(ANJU KAPOOR)
COURT MASTER (NSH)

(Signed order is placed on the file)