

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.557 OF 2008

GARLAPATI KRISHNA

APPELLANT

VERSUS

STATE OF A.P REP.BY PUBLIC PROSECUTOR

RESPONDENT

O R D E R

This appeal is directed against the judgment and order passed by the High Court of Judicature, Andhra Pradesh in Criminal Appeal No.1113 of 2004 dated 11th August, 2006. By the impugned judgment and order, the High Court has affirmed the findings and the conclusions reached by the II Additional Sessions Judge (Fast Track Court No.II) in S.C.No.159 of 2001 dated 21.04.2004. The Trial Court, after ignoring the minor contradictions, has come to the conclusion that the Prosecution has proved the case against the accused person. Accordingly, it has convicted and sentenced the accused person to undergo imprisonment for life under Section 302 of the Indian Penal Code (for short 'I.P.C.').

We have heard Mr.A.T.M.Ranga Ramanujam, learned senior counsel for the appellant. The learned senior counsel would contend that the finding and conclusion reached by the Trial Court is fully perverse and, therefore, requires interference of this Court. In support of this contention, the learned senior counsel would take us through the evidence of P.W.Nos.1,2,6, 16 and 17.

We have carefully perused the evidence that was read to us

by Shri Ranga Ramanujam. After reading the evidence, we cannot agree with the submission that the findings of the Trial Court as well as the High Court suffers from the vice of perversity. In that view of the matter, we cannot accept the submission of the learned senior counsel Shri Ranga Ramanujam.

The learned senior counsel would further contend that there is enormous delay in lodging the First Information Report before the jurisdictional police authority. In the present case, the incident took place at 10.30 p.m. on 10.02.2000. On the next date i.e. on 11.02.2000 at 7.00 a.m. F.I.R. was lodged.

This aspect of the matter has been taken note of by the High Court and the High Court has stated as under :

"In the case covered by the above decision, the incident occurred opposite to the police station. When there was a delay of 12 hours in giving the complaint, the Court entertained a doubt about the genuineness of the version given by the prosecution at a belated stage and made the above observation. But in the present case, the offence took place at about 10.30 p.m. Immediately, they took the deceased to the hospital and the doctor on examining the deceased declared dead and they remained at the hospital till the morning and the report was presented to the police at about 7.00 a.m. on the next day morning. This is a case against the sole accused. There was consistency in the version of the prosecution from the beginning that the accused was responsible for the death of the deceased. The accused is no other than the neighbour of the deceased and related to them. If there are number of accused and if overt acts are attributed to such accused, one can apprehend that the people who have not participated in the commission of offence were also arrayed as accused after due deliberations by taking sufficient time. But here there was only one accused who was inimical towards the deceased, therefore, the delay in preferring the complaint by itself is not a ground to throw away the prosecution case when there is sufficient material to establish that

the accused is responsible for the commission of the offence, the above decision is not applicable to the facts of the case."

We have carefully seen the conclusions reached by the High Court. In our opinion, this is the only conclusion that could have been taken by the High Court keeping in view the facts and circumstances of the case. The view that is taken by the High Court cannot be characterized as a perverse finding. In that view of the matter, the submission of the learned senior counsel cannot be accepted by us.

Accordingly, we do not see any infirmity in the judgment and order passed by the Trial Court which is affirmed by the High Court. Therefore, confirming the order and judgment passed by the High Court, we reject the appeal filed by the appellant. Ordered accordingly.



.....J.
(H.L. DATTU)

JUDGMENT

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
NOVEMBER 03, 2011