

(2011) 11 KAR CK 0320
In the Karnataka High Court
Case No : Criminal Appeal No. 934 of 2011

Sri S. Krishnaswamy

APPELLANT

Vs

The State of Karnataka and Others

RESPONDENT

Date of Decision : 23-11-2011

Acts Referred:

Citation : (2011) 11 KAR CK 0320

Hon'ble Judges : Subhash B. Adi, J

Bench : Single Bench

Advocate : A.C. Balaraj, for the Appellant;

Final Decision : Dismissed

Judgement

Subhash B. Adi, J.—No doubt, here is a delay of 12 days, however, the matter is considered on merit as this appeal is by the complainant against the judgment of acquittal.

2. The complainant had filed a complaint at 7.30 a.m. on 31.1.2009 inter-alia alleging (bat the accused had lit fire to The coconut saplings in his land It is his case that he was in his land on 30.1.2009 till 3 p.m. and after he left the land, the accused had lit the fire. The complainant suspected that the accused might have lit the fire, On the basis of suspicion, the complaint Is filed.

3. PWs-2 to 5 are the coolies working in the land of the appellant and they are the eyewitnesses. In the evidence of PW-1. he has admitted that PWs-2 to 5 had not informed him about the incident when he filed the complaint and they informed him only after two days.

4. Learned counsel for the appellant submits that the accused had threatened PWs-2 to 5 and that is how they did not immediately inform the complainant.

5. The Trial Court considering the evidence on record, found that there is no direct or circumstantial evidence to prove the offence. Though it is stated that the coconut saplings have been burnt, but to prove that the accused have burnt

is, the evidence of PWs-2 to 5 is not acceptable as they are the coolies of the appellant and they did not come forward to inform the police nor had they informed the complainant after the incident and the complainant had filed a complaint under suspicion. It is in these circumstances, the Trial Court has acquitted the accused and I do not find any ground to interfere with the same, Hence, the appeal fails and is accordingly dismissed.

6. In view of the dismissal of the appeal. IA No. 1/2011 filed for condonation of delay and IA No.2/2011 filed for grant of special leave do not survive for consideration and are accordingly dismissed.