
(1999) 06 KAR CK 0023
In the Karnataka High Court
Case No : Criminal Appeal No. 1187 of 1998

State	Vs	APPELLANT
Basavaraju alias Basava		RESPONDENT

Date of Decision : 14-06-1999

Acts Referred:

Citation : (1999) 06 KAR CK 0023

Hon'ble Judges : N.S. Veerabhadraiah, J;M.F. Saldanha, J

Bench : Division Bench

Advocate : Sri B.V. Pinto, Additional State Public Prosecutor, for the Appellant;

Judgement

1. We have perused the record of this case and heard the learned Additional State Public Prosecutor on merits. The reason for this is because the Police report indicates that the accused is not traceable either in Hassan or even in the adjoining districts. As far as the merits are concerned, the filing of the appeal was fully justified and so are the submissions of the learned Additional State Public Prosecutor which are to the effect that even if the statements attributed to the accused were to be discarded, that the possession of the identifiable stolen property was alone sufficient for a conviction in the absence of any valid explanation from the accused. The learned Additional State Public Prosecutor therefore submitted that further efforts should be made to trace out the accused. It is our experience that once a certain time has elapsed and the accused is not found in a particular area, that it is impossible to trace his whereabouts and therefore, the retention of the appeal on file is not desirable.

2. As far as the merits are concerned, even assuming the Court were to uphold the submissions canvassed on behalf of the State, having regard to the value of the property and the nature of the offence, the Court would only impose a moderate sentence. The record indicates that the accused has been in custody for a considerable period of time prior to his acquittal and this period alone would be equivalent to whatever sentence he could ultimately receive. This is an additional consideration on the basis of which we are of the view that no useful

purpose would be served by retaining the appeal on file.

3. The appeal having been heard on merits stands dismissed.