
(1983) 01 SC CK 0012

In the Supreme Court Of India

Case No : Criminal Appeal No. 338 of 1976

State of Karnataka

APPELLANT

Vs

Venkataramanappa and Others

RESPONDENT

Date of Decision : 06-01-1983

Acts Referred:

Constitution of India, 1950 — Article 136

Penal Code, 1860 (IPC) — Section 148, 149, 224, 225, 332

Citation : (1983) 1 SCALE 705 : (1984) SCC 624 Supp : (1984) 1 SCC 624 Supp

Hon'ble Judges : R. B. Mishra, J; E. S. Venkataramiah, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Venkataramiah, J.—This appeal by special leave is filed against a judgment of the Karnataka High Court in Criminal Appeal No. 352 of 1975 by which the High Court acquitted the respondents herein of the charges preferred against them. The learned Sessions Judge who tried the case convicted Venkataramanappa (A-1), Bayyappa (A-6), Gajan Venkata-subba Reddy (A-11), Patel Narasi Reddy (A-13), Peddavenkatarayappa (A-14), Asadi Chikkavenkatarayappa (A-15), Boyi Venkatarama (A-16), Pandi Gurappa (A-24), Talari Narasimha (A-26), Abdulla Sab (A-27), Patel Sab (A-28) and Venkata Reddy (A-31) of offences punishable under Sections 148, 332 read with Section 149 IPC for causing injuries to PW-5 and of the offences under Sections 332/149 IPC for causing injuries to PW-6. He also found accused Nos. 1, 26, 27 and 28 guilty of the charge u/s 224 IPC. Accused Nos. 6, 11, 13-16, 24 and 31 were found guilty of the charge under Sections 225/149 IPC. Accused Nos. 1, 26, 27 and 28 were sentenced to undergo rigorous imprisonment for six months for the offence punishable u/s 224 IPC. Accused Nos. 6, 11, 13 to 16, 24 and 31 were sentenced to undergo imprisonment for six months for the offence under Sections 225/149 IPC. Accused Nos. 1, 6, 11, 13 to 16, 24, 26, 27, 28 and 31 were sentenced to undergo rigorous imprisonment for six months for the offence punishable u/s 148 IPC. They were also sentenced to undergo rigorous imprisonment for one year

for the offences punishable u/s 332/149 I.P.C. All the sentences were directed to run concurrently. But on appeal the High Court set aside their conviction and the sentences imposed on them under all the charges. This appeal is filed by the State Government against the judgment of the High Court.

2. We have heard Shri B.R.L. Iyengar, learned Counsel for the State Government and Shri K. Rajendra Chowdhary, learned Counsel for the respondents. We have perused the record before us. The incident which has given rise to this appeal took place on 26.7.1973. Although we feel that it cannot be said that there was no justification for the State Government to prefer an appeal against the judgment of acquittal rendered by the High Court we are of opinion that in the circumstances of this case, it may not be appropriate to interfere with it under Article 136 of the Constitution even if it is possible to take a different view of the case. The appeal is, therefore, dismissed.