

State Of Karnataka vs Venkataravanappa And Ors. on 6 January, 1983

Equivalent citations: 1983(1)SCALE705, 1984SUPP(1)SCC624, AIRONLINE 1983 SC 18, 1984 SCC (SUPP) 624

Bench: E.S. Venkataramiah, R.B. Misra

JUDGMENT

Venkataramiah, J.

1. 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 Venkataravanappa (A-1), Bayyappa (A-6), Gajan Venkata-subba Reddy (A-11), Patel Narasi Reddy (A-13), Peddavenkatarayappa (A-14), Asadi Chikkavenkatarayappa (A-15), Boyi Venkataraya (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 under Section 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 under Section 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 under Section 148 IPC. They were also sentenced to undergo rigorous imprisonment for one year for the offences punishable under Section 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.