

Karnataka High Court

Shaukat Appasab Dhamnekar Conv No ... vs State Of Karnataka Through Cpi ... on 26 November, 2009

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,f'son_ of'-acc u~-sed, THIS APPEAL COMING ON FOR FINAL HEP;IiUNG 'nus DAY,SRL sREEDHAR.RAo,Jirnmnvaksnfree FOLLOWING:

JUDGMENI"*, One Sunil (deceased)___is iffieind of"o'npe.i:4_I:V{aI§\$sane who is son of the accused. d'iid_riot:iffiike the friendship of his son Wiiii-Tiiil□_the ground that the deceased is that his son would may that regard the accused was- to keep away his company ii"ron1:_ however did not heed to the to have friendship with the i~:_9'¥..()9-2004 at about 07-30 p.m. the process4i'on"of"herd Ganesha was being taken out, there huge gathering in 211} over the village. The accused the deceased in the procession. The accused again °%/

4) PW.i to 6 have supported the case of the prosecution. They testified to the effect regardji:ri§:--Vt'ire conversation and verbal quarrel between the accused and the deceased, assault on the decea.'seid"with s.i'c.i§Ie_bVVy':ithe". accused. The said witnesses are eyed'-._witnesses "to'.threi'a incident. There is nothing ellicietyied ini"the'e-evidence to discredit their veracity;

5) The "fr_i_a'i_Courtiiioi1:i::th.e'-Erasis" ofthe evidence of eye witnesses" ii}3i(i).StfI1ortem report has convicted~th'e-Aavcjcusiefdfornit-he io'ffe'nce U/S.302 IPC. The accused is":?niappeal';.'if.Vi'-6')_i" The factsianci the evidence of eye witnesses .id.iscI:o«se that,-.h:'e--fore the accused assaulted the deceased withAsiickieghfthetriei was verbal exchange. The accused insistedithealdeceased to keep away from the company of 1:1i'si_""sion'L"~.The accused arrogantly told the accused that he i' have proper controir over his son to see that he <=E/ the death is caused, we feel that the accused shouE._d_ be sentenced to imprisonment for the period he is;.WL:n'dVe'r,< detention. The accused is deemed to have ":~;eirve.<jii'tihe.iii_fi sentence. The accused is to be setzfiiiee'«foifth-iwiiha_ifV"Tiort required to be detained in any Qther cia.se';.

8) The fees of AmicVL1sii:'~.Cu.,i'iae i tfijied at Rs.5,000/-. The State the Amicus Curiae.

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