

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1124 OF 2009

Beerangi Kemparappa

...Appellant(s)

Versus

State of Karnataka

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellant was tried for an offence under Section 302 of the Indian Penal Code (IPC). The allegation against the appellant was that he had murdered his wife Smt. Naremma by pouring kerosene upon her and setting fire on 11.6.1990 in his house at Narasimhapet, Chintamani Town, Kolar District (Karnataka). By judgement dated 4.6.1997, the trial court discarded the prosecution evidence, which included the statement of PW-1 Smt. Sujathamma, who is none else than the daughter of the appellant, and two dying declarations by Smt. Naremma (Ext. P-15 and Ext. P-18) and acquitted the appellant. On an appeal preferred by the State of Karnataka, the High Court re-appreciated the evidence produced by the prosecution, reversed the judgment of acquittal, convicted the appellant under Section 302 IPC and sentenced him to undergo imprisonment for life and to pay fine of Rs.5,000/-. Hence, this appeal.

We have carefully perused the record of the case. The High Court convicted the appellant by placing reliance upon the statement of P.W.1 -Smt. Sujathamma, which was amply corroborated by the statements of P.W.3 - Bayamma, P.W.4 – Shri G.K. Shankarareddy and P.W.5 - Basavaraj. In her statement, P.W.1 stated that few days before the date of occurrence, she had gone to the house of her parents as she

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was in the family way and there she delivered a child. She categorically stated that on 11.6.1990, while her mother was in the kitchen, the appellant came there, poured kerosene upon her and set fire. In their statements, P.Ws. 3, 4 and 5 gave out that they found the deceased burning and crying outside her house and they took her to the hospital. The prosecution evidence also reveals that on receipt of telephonic call from the doctor of Government Hospital, Chintamani Town, A.N. Ranjanna (PW-14) who was then working as Police Sub-Inspector, Chintamani Town Police Station, reached the hospital and recorded the statement of Naremma. He then sent requisition to Tehsildar, Chintamani Town, namely, B.R. Krishnan (PW-10). The latter came to the hospital and recorded the dying declaration Ext.P-15 of Smt. Naremma. The High Court has given detailed reasons for relying upon the oral testimony of PW-1, PW-3, PW-4, PW-5, PW-10 and PW-14 and two dying declarations, i.e., Ext. P-15 and Ext. P-18 and there is no perversity in the conclusions recorded by it. In view of this, it must be held that the High Court was fully justified in reversing the order of acquittal passed by the trial court and the impugned judgment does not require interference by this Court.

The appeal, accordingly, fails and the same is dismissed. Bail bonds of the appellant, who is on bail, are cancelled and is directed to be taken into custody to serve out the remaining period of sentence.


[B.N. AGRAWAL]

.....J.

JUDGMENT

[G.S. SINGHVI]

.....J.

New Delhi,
May 06, 2009.