

Devaraju Vs. State of Karnataka

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Court : Karnataka

Decided On : Jan-03-2011

Reported in : 2011(1)KCCR646

Judge : V. Jagannathan

Appeal No. : Criminal Petition No. 3849 of 2010

Appellant : Devaraju

Respondent : State of Karnataka

Advocate for Pet/Ap. : For the Petitioner: K. Ramegowda, Advocate. For the Respondent: Satish R. Girji, High Court Government Pleader.

Judgement :

V. Jagannathan, J:

1. Heard learned Counsel for the petitioner and the learned Government Pleader and the petition is disposed of finally in view of the short point involved for consideration.

2. The petitioner's grievance is that, he and 14 other accused persons were the accused in Cr.No. 224/1999 in respect of the offences punishable under Sections 143, 147, 148, 323, 324, 326, 504, 506, 307 r/w 149 of IPC and the case against the accused persons other than the present petitioner was taken up for trial in S.C.

No. 44/03 and the accused persons in the said case were all acquitted on the ground that the material witnesses for the prosecution had turned hostile and the judgment of acquittal therefore was the result.

3. Referring to the aforesaid judgment in the Sessions Case No. 44/03, submission now made is that, no purpose would be served in putting the present petitioner also on trial as the evidence is the same that led to the acquittal of all the other accused persons, Merely because a split up charge-sheet is now filed against the present petitioner, no purpose would be served in permitting the proceedings to go on against the petitioner when the case ended in acquittal in respect of other accused persons.

4. Above submission is also not seriously controverted by the learned Government Pleader and on a perusal of the judgment of the Sessions Court in S.C. No. 44/03 rendered on 9.8.2005, it is apparent that the Sessions Court acquitted all the accused persons of the offences mainly on the ground of material witnesses including the complaint having turned hostile and none of them have supported the prosecution case except the two doctors.

5. In the light of the order of acquittal being passed by the Trial Court, following the complaint and other witnesses turning hostile, I see no purpose in the case being proceeded with as against the present petitioner and therefore the proceedings in question are liable to be quashed in the interest of justice.

6. In the result, the petition is allowed and the proceedings which are against this petitioner in Cr. No. 224/99 (C.C. No. 205/07) pending on the file of the learned Civil Judge (Jr. Dn). JMFC, Srinivasapaura, are quashed.

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