

Supreme Court of India

Narendra Vs. State Of Karnataka on 5 May, 2009

Bench: Arijit Pasayat, Mukundakam Sharma

HELD: In the instant case, there are certain material aspects which were lost sight of by the trial court but have been noted by the High Court. The dead body was detected in the morning of 14.2.1994. Parents of the deceased informed the police and not the inmates. The parents were informed by neighbours and not by the inmates. DW2 has been disbelieved as he was nearly 70 years of age. It was highly improbable that he was in employment as a watchman. The trial court had held that the evidence of PWs. 6 to 8 regarding pressing mark on the neck and injuries on the fore arms of the deceased are not corroborated by the medical opinion. This is factually incorrect. The doctor categorically stated that he was of the opinion that death was due to result of compression of the neck, and the post mortem report was accordingly issued. PW6 stated that second opinion was sought for and then the report was given. The falsity of alibi is an additional link. [Para 5] [589-B-E]

Trimuch Maroti Kirkan v. State of Maharashtra 2006 (10) SCC 681 - referred to.

Case Law Reference

2006 (10) SCC 681 Referred to Para 6

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 1502 of 2007

From the Judgement and Order dated 02.01.2007 of the Hon'ble High Court of Karnataka at Bangalore in Criminal Appeal No. 1048 of 2000.

N.D.B. Raju, Bharthi Raju, N. Ganpathy, for the Appellant.

Anitha Shenoy, for the Respondent.