

SUPREME COURT OF INDIA

Mallappa Gori Malla Reddy @ Reddy M.R.

Vs.

State of Andhra Pradesh

Crl.A.No.1393 of 2004

(B.N.Agrawal and G.S.Singhvi JJ.)

08.04.2008

ORDER

1. Heard learned counsel for the parties.

2. The sole appellant, along with fourteen other accused persons, was tried and, by judgement rendered by the Trial Court, Parlapalli Chinna Narasimhareddi [Accused No.6], Mallappagari Chinna Mallareddi alias Usanna [Accused No.7], Thathireddi Mallesureddi [Accused No.9], Parlapalli Mallareddi [Accused No.10], Sangati Chennakrishnareddi [Accused No.13] and Gundladurthy Pedda Subbareddi [Accused No.14] were acquitted, whereas appellant was convicted under Section 302 of the Indian Penal Code, 1860 [hereinafter referred to as `I.P.C.`] and sentenced to undergo imprisonment for life and to pay fine of Rs.100/-, in default, to undergo further imprisonment for a period of one month. He was also convicted under Section 148 I.P.C. and Section 25(1B)(a) and Section 27 of the Arms Act and sentenced to undergo rigorous imprisonment for a period of three years on each count and to pay fine of Rs.100/- under Sections 25(1B)(a) and 27 of the Arms Act, in default, to undergo further imprisonment for a period of one month. Thathireddi Sreenivasulreddi [Accused No.2] was convicted under Section 302/114 I.P.C. and sentenced to undergo imprisonment for life and was awarded fine of Rs.100/-; in default, to undergo further imprisonment for a period of one month. Accused No.2 and Mallappagari Mallareddi [Accused No.3], Sangati Gangireddi [Accused No.4], Pamireddi Venkataramanareddi [Accused No.5], Gundladurthy Subbareddi [P.W.8], Parlapalli Pedda Narasimhareddi [P.W.11] and Parlapalli Ramakrishnareddi [P.W.15] were convicted under Section 148 I.P.C. and sentenced to undergo rigorous imprisonment for a period of three years.

Accused Nos.3,4,5,8,11 and 15 were also convicted under Section 302/149 I.P.C. and sentenced to undergo imprisonment for life and to pay fine of Rs.100/-; in default, to undergo further imprisonment for a period of one month. Mallappagari Mallareddi [Accused No.3] and Pamireddi Venkataramanareddi [Accused No.5] were further convicted under Section 27 of the Arms Act and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.100/-; in default, to undergo further imprisonment for a period of one month. Sangati Gangireddi [Accused No.4], Gundladurthy Subbareddi [Accused No.8], Parlapalli Pedda Narasimhareddi [Accused No.11] and Parlapalli Ramakrishnareddi [Accused No.15] were further convicted under Section 3 of the Explosive Substances Act and sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs.100/-; in default, to undergo further imprisonment for a period of one month. All the sentences, however, were ordered to run concurrently. Trial against Pamireddi Gangireddi @ Mobbodu [Accused No.12] abated, as the same died during the pendency of the trial. Against the order of acquittal, no appeal was filed before the High Court, whereas, on appeal being filed by the eight convicted accused persons, including the appellant, while other seven accused persons have been acquitted, the convictions of the appellant have been upheld. Hence, this appeal by special leave. The prosecution case has been supported by the evidence of four eye witnesses, namely, Sangati Chinna Veera Reddy [P.W.1], Karnati Gangi Reddy [P.W.2], P. Narayanamma [P.W.3] and K. Gangi Reddy [P.W.4]. All the aforesaid four witnesses have received injuries and their evidence is consistent with the first information report. That apart, the prosecution case has been corroborated by the medical evidence. In our view, the High Court was quite justified in upholding the conviction of the appellant and no ground for interference by this Court is made out. The criminal appeal, accordingly, fails and the same is dismissed.