

SUPREME COURT OF INDIA

P.V. Nageswara Rao

Vs.

State of A.P.

Crl.A.No.904 of 2009

(CJI.K.G. Balakrishnan, P. Sathasivam and Mukundakam Sharma JJ.)

04.05.2009

ORDER

Leave granted. Heard. The appellant preferred this appeal against an order passed by the High Court. The appellant was formerly a judicial officer in the State of Andhra Pradesh. The appellant dealt with a criminal case as Assistant Sessions Judge, Gurazala, Guntur District and the appellant convicted an accused for the offence punishable under Section 306 IPC. The accused thereafter preferred an appeal before the High Court and the learned Single Judge, while disposing of the appeal preferred by the accused, made certain observations against the appellant herein. It was held by the learned Single Judge that the appellant herein, while disposing of the criminal case, relied on an inquest report as substantive evidence thereby committed a mistake and observed that the appellant did not know the fundamentals of criminal law and also directed that these remarks be communicated to the said officer. Aggrieved by the same, the appellant preferred this appeal. The appellant points out that he had not relied on the inquest report as substantive evidence but relied on P.Ws.1 and 2, who happen to be the inquest witnesses when the inquest report was done by the police officer. It appears that the contention raised by the appellant is correct. The learned Single Judge was not fully justified in passing the said remarks against the appellant in paragraph 17 of the impugned judgment. The adverse remarks expressed by the learned Single Judge against the appellant may be treated as expunged from the impugned judgment. The appeal is allowed accordingly.

