

# SUPREME COURT OF INDIA

Kuratikar Sudhakar

Vs.

State of Andhra Pradesh

(S.A. Bobde, J. Dipak Mishra, JJ.)

12.08.2014

## JUDGEMENT

### **S.A.Bobde, J.**

( 1. ) The appellant was acquitted by the Trial Court in respect of a charge under Section 302 of the Indian Penal Code (hereinafter referred to as 'the IPC') for the murder of two persons, one Kuratikar Laxman and one Kuratikar Thukaram. In appeal filed by the State, the High Court of Andhra Pradesh found the appellant guilty of the offence under Section 302 IPC and accordingly convicted and sentenced him to undergo life imprisonment.

( 2. ) According to prosecution Kuratikar Laxman (hereinafter referred to as Rs.1 st deceased') and Kuratikar Thukaram (hereinafter referred to as Rs.2 nd deceased') were father and son. The appellant and the deceased are residents of Govindapur, Adilabad and were related to each other. The 1 st deceased used to give medicine to the cattle for snakebite. The 2 nd deceased gave country -made medicine to the cattle for any disease. About 15 days prior to the date of incident, the father of the accused apparently became deranged and started Signature Not Verified Digitally signed by Ramana Venkata Ganti wandering in the village. Five months before the incident, the paternal aunt of Date: 2014.08.12 16:41:45 IST Reason: the accused died of some disease; three years prior to the date of incident, the grandfather of the accused and another relative died due to sickness. The accused suspected that the above events happened because the 1 st deceased practiced witchcraft and therefore the accused decided to do away with the lives of deceased 1 and 2.

( 3. ) ON the night intervening 13/14 -06 -2000, the accused found the deceased sleeping along with their family members in front of their house and went there with an axe. He first hacked the 1 st deceased with an axe on his throat and then struck the 2 nd deceased twice on his throat and caused severe bleeding injuries. On hearing the sounds of attack, the complainant woke up and witnessed the incident as well as saw the accused holding an axe in the electric light. The accused then ran away on hearing the hue and cries raised by the complainant. The complaint was lodged by the elder son of the 1 st deceased on 14.06.2000 at about 8.00 a.m. The Sub Inspector of Police, Asifabad, registered a crime for the offence

under Section 302, IPC. Inquest was conducted and bodies were sent for post mortem. The doctor opined that both the deceased died due to hemorrhage and shock. A charge sheet was accordingly filed. The Trial Court acquitted the accused mainly on the grounds that there was a delay of 17 hours in lodging the F.I.R.; the Asifabad Police took 9 hours in sending the F.I.R. to the Asifabad Court. Also that P.Ws. 1 and 2 told D.W. 1 that some unidentified persons killed both the deceased, as narrated by D.W. -1. According to the Trial Court, the motive had not been established and further the evidence of P.W. -2, who was wife of the 2nd deceased, shows that she was in sound sleep, and therefore, it was not possible for that witness and another to get up and see the accused running away in the light of a solitary lamp in the street and both P.Ws. 1 and 2 could not have seen the accused, and that too from the back. Thus, the evidence is suspicious and the prosecution had failed to prove guilt of the accused beyond reasonable doubt and accused was entitled for acquittal. ;