

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1265/2012

T.G.KRISHNAMURTHY & ORS.

APPELLANTS

VERSUS

STATE OF KARNATAKA & ORS.

RESPONDENTS

O R D E R

1. The present appeal has been preferred by accused nos. 1 to 3 seeking to overturn the conviction rendered by the Trial Court as confirmed by the High Court of Karnataka for the offences under Section 302 read with Sections 120B and 34 of the Indian Penal Code, (for short, 'IPC') and Section 307 read with Section 34 of the IPC.

2. The case of the prosecution is that there was a prior dispute between PW1 and the first appellant regarding the possession and cultivation of the tank bed. On the fateful day all the accused persons numbering 8, armed with deadly weapons had assaulted PW1, PW27 and PW28 and the two deceased persons. All of them were taken to the hospital wherein the deceased nos. 1 and 2 succumbed to the injuries.

3. PW1 being the injured eye-witness, along with PW27 and PW28, is the author of the first information report. These three witnesses suffered fractures. PW1 has named all the appellants in the first information report.

4. In the complaint registered, the occurrence having taken place in two different places was not mentioned. Before the Court the prosecution took a stand that the deceased no.1 was attacked in a different place along with PW1, PW27 and PW28 and thereafter the deceased no.2 was attacked in another place. The Trial Court held that the FIR being a document which merely sets the criminal law into motion and brings to notice that the offence has been committed is not expected to furnish graphic details. Accordingly, all the accused persons were convicted.

5. On appeal, the High Court while acquitting the other accused persons convicted the appellants *inter alia* holding that the evidence of PW1, PW27 and PW28 cannot be applied to the death of deceased no.2 and there is no reference even in the first information report to the presence of the other accused. However, taking note of the fact that these witnesses are injured eye-witnesses, conviction was rendered for the death of the deceased no.1 and for the injuries caused to the witnesses.

6. Learned counsel for the appellants submitted that the High Court has committed an error in placing partial reliance upon the evidence of PW1, PW27 and PW28, having been found that their testimony cannot be relied upon for the charge pertaining to the death of the deceased no.2, the same ought to have been applied for the other offences as well.

7. The principle governing "*Falsus in uno, falsus in omnibus*" has got no application to the courts in India. Therefore, it is the duty of the Court to remove the chaff from the grain in its pursuit for truth. As rightly held by the High Court PW1, PW27 and PW28 are the injured eye-witnesses. They were attacked along with deceased no.1. The reasoning adopted for the acquittal of the accused *qua* the death of deceased no.2 cannot be imported to that of the first accused and the injuries caused to the aforesaid three witnesses. Thus, we do not find any error in the approach adopted by the High Court.

8. For the foregoing reasons, the appeal stands dismissed.

9. The bail bonds, if any, stand cancelled. The appellants, if not on bail, shall be taken into custody to serve the remainder of the sentence.

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[M.M. SUNDRESH]

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[J.B. PARDIWALA]

NEW DELHI;
AUGUST 17, 2023

ITEM NO.111

COURT NO.14

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO(S). 1265/2012

T.G.KRISHNAMURTHY & ORS.

Appellant(s)

VERSUS

STATE OF KARNATAKATHROUGH TARIKERE POLICE & ORS.

Respondent(s)

Date : 17-08-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Mr. Aman Mohit Hingorani, AOR

For Respondent(s) Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal stands dismissed in terms of the signed
order.

(KAVITA PAHUJA)
COURT MASTER (SH)

(RAM SUBHAG SINGH)
COURT MASTER (NSH)

[Signed order is placed on the file]