

ITEM NO.9

COURT NO.16

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 3979-3980/2023

[Arising out of impugned final judgment and order dated 16-12-2022 in CRLA No. 100284/2015 16-12-2022 in CRLA No. 100122/2015 passed by the High Court of Karnataka Circuit Bench at Dharwad]

JAYAPAL BHIMAPPA JANAGOUDA & ANR.

PETITIONER(S)

VERSUS

THE STATE OF KARNATAKA & ORS.

RESPONDENT(S)

(IA No. 62638/2023 - EXEMPTION FROM FILING O.T.)
(CRL. MP. NO. 295613 of 2024)

Date : 28-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Manjunath Meled, Adv.
Mr. Sandeep Sharma, Adv.
Mrs. Vijayalaxmi Udupudi, Adv.
Mr. Ganesh Kumar R., AOR

For Respondent(s) Mr. Prateek Chadha, A.A.G.
Mr. D. L. Chidananda, AOR

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

1. Heard Mr. Manjunath Meled, learned counsel for the petitioners and Mr. Prateek K. Chadha, learned Additional Advocate General for the State of Karnataka.
2. The trial Court *vide* judgment and order dated

10.07.2015 had acquitted Accused Nos.2 and 3 (the petitioners herein) under Section 302 of the Indian Penal Code, 1860. The said judgment and order has been reversed by the High Court by the impugned judgment and order dated 16.12.2022 and the Accused Nos.2 and 3 have been sentenced to life imprisonment.

3. The said Accused Nos.2 and 3 moved petitions under Article 136 of the Constitution of India before this Court.

4. Now, learned counsel for the petitioners has submitted that in fact, according to the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970 read with Section 379 of the Code of Criminal Procedure, 1973 (for short, Cr.P.C.), Accused Nos.2 and 3 ought to have filed criminal appeals and not Special Leave Petitions before this Court. Therefore, he may be permitted to convert the Special Leave Petitions into Criminal Appeals under Section 379 of the Cr.P.C.

5. A plain reading of Section 379 of the Cr.P.C. would reveal that it provides for an appeal against conviction by the High Court *inter alia* where the High Court on appeal reversed an order of acquittal and sentenced the accused to

imprisonment for life. Therefore, in a case of acquittal by Trial Court where the High Court reverses it and convicts the accused for life imprisonment, statutory appeal lies to the Supreme Court.

6. In view of the specific provision contained in Section 379 of the Cr.P.C., we allow the present Special Leave Petitions to be converted into Criminal Appeals under Section 379 of the Cr.P.C., which lies as matter of right.

7. CRL. MP. NO. 295613 of 2024 is allowed.

8. Accordingly, the Registry is directed to proceed accordingly and submit a fresh report.

(Ram Subhag Singh)
Assistant Registrar

(Geeta Ahuja)
Assistant Registrar-cum-PS