

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 70/2020

AVILELI SRIKANTH . . . APPELLANT(S)

VERSUS

STATE OF ANDHRA PRADESH . . . RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. The short point raised in this appeal is that considering the charge and evidence of prosecution witnesses, it is not possible to attribute intention to the appellant-accused No.3 of committing murder of deceased-Narla Narasaiah. The argument proceeds that the appellant-accused No. 3 was not even named in the F.I.R. Further, the evidence is specific to accused Nos. 1 and 2 only.
3. We have perused the relevant evidence and are of the considered opinion that no infirmity can be found with the concurrent findings recorded by the trial Court and the High Court.
4. We affirm the conclusion reached by the High Court about the role ascribed to the

appellant-accused No.3 as highlighted amongst others in paragraph No. 37 of the impugned judgment. At least five witnesses have clearly spoken about the role attributed to the appellant-accused No. 3, namely, P.Ws. 4 to 7 and PW-12.

5. Taking an over all view of the matter, we are not inclined to interfere in this Appeal.

6. The fact that the name of the appellant-accused No.3 was not mentioned in the F.I.R. does not take the matter any further. The F.I.R. clearly mentions the name of accused No.1 and 2 and six others, who accompanied them. During the investigation, the witnesses have mentioned about the role played by the appellant-accused No.3 and also identified the appellant-accused No.3 during the investigation, as well as before the Court, as noted by the Courts below.

7. In our opinion, there is no distinction between the role played by accused Nos. 1 and 2 on the one hand and accused No.3. Notably, the appeal filed by the appellant-accused No.1 is already dismissed. This appeal must also fail, and is dismissed accordingly.

8. In view of the above all pending applications also stand disposed of.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(INDU MALHOTRA)

....., J.  
(AJAY RASTOGI)

NEW DELHI  
FEBRUARY 10, 2021.

