



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP(Crl.) No.13614 OF 2025)

TALARI NARESH

...APPELLANT

VERSUS

THE STATE OF TELANGANA

...RESPONDENT

J U D G M E N T

N.V. ANJARIA, J.

Leave granted.

2. The present appeal by the appellant-convict is directed against judgment and order dated 04.02.2025 of the High Court for the State of Telangana at Hyderabad, in Criminal Appeal No. 1111 of 2017. Thereby, the High Court confirmed the conviction and sentence against the appellant recorded by learned Special Sessions Judge for Trial of Offences Under SC/ST (Prevention of Atrocities) Act-cum-

VII Additional District & Sessions Judge, Ranga Reddy District at L.B. Nagar in SC/ST S.C. No.51 of 2014 and held the appellant guilty of commission of offences under Sections 302 and 323 of the Indian Penal Code, 1860¹ and under Sections 3(2)(v) and 3(1)(x) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989².

2.1. The appellant was sentenced to life imprisonment and was further required to pay a fine of Rs. 5000/- in respect of his conviction for the offence under Section 302, IPC. For the offence under Section 323, IPC, the appellant was sentenced to six months' simple imprisonment. For the offence under Section 3(2)(v) of SC/ST Act, the appellant came to be sentenced to life imprisonment and a fine of Rs. 5000/- with default stipulation to undergo three months simple imprisonment. In respect of the offence under Section 3(1)(x) of SC/ST Act, he was further sentenced to imprisonment of six months and to pay a fine of Rs. 2000/- and in default of payment of fine, to suffer further one-

¹ Hereinafter, "IPC".

² Hereinafter, "SC/ST Act".

month simple imprisonment. All the sentences were directed to run concurrently.

3. The prosecution case was *inter alia* that on 12.05.2013 at around 8:30 in the morning, the deceased named Shiva Shankar, along with his friend Narendar-PW3 was passing nearby the house of the appellant. Noticing them, the appellant questioned about Shiva Shankar's returning to the village. It was stated that earlier on 14.02.2013, deceased Shiva Shankar had eloped with appellant's younger sister aged 18 years. They both, however, returned to the village on the very next day. It was stated that in view of the said incident of elopement, a *Panchayat* was held in the village and that it was decided in the *Panchayat* that deceased Shiva Shankar would go out of the village Ogipur, and the girl would stay at her parental house. In that view, Shiva Shankar went to stay at Ekmai Village of Basheerabad Mandal to start living with his maternal uncles-PW2 and another.

3.1. It was the further prosecution case that despite the aforesaid decision of the *Panchayat*, the deceased came back

to village Ogipur to attend the wedding of his friend and when he was passing near the house of the appellant on the day of the incident, the appellant confronted him. It was stated that a quarrel took place between the appellant and the said Shiva Shankar, in a heat of temper. The appellant took a shabad stone sized 6 inches in length, 4 inches in width and 3 inches thick, and started beating Shiva Shankar with the said stone.

3.1.1. It is the prosecution case that Narendar-PW3 who had been accompanying Shiva Shankar went to the place of mother of the deceased named Padmamma-PW1 to inform her. Padmamma-PW1, having come to know about the incident, rushed to the scene of the offence. It was claimed that when she intervened, she also suffered injuries below her left eye. It was further stated that in course of these happenings, PW1 was abused by the appellant with a casteist slur.

3.1.2. PW1 took her son-injured Shiva Shankar to the Government Hospital, Tandur, where the injured was given first aid, thereafter, was advised to go to the General

Hospital, Hyderabad for further treatment. When Shiva Shankar was being shifted to the Hyderabad Hospital, he died on the way succumbing to his injuries.

3.1.3. The appellant as well as the deceased belonged to the same village Ogipur of Ranga Reddy District. The appellant was a member of the backward class community known as '*Mudiraj*', whereas the deceased came from the Scheduled Caste Community '*Mala*'.

3.1.4. The incident came to knowledge of the Sub Inspector of Police, Mr. P.S. Karankote-PW8. PW8 visited the Government Hospital to inquire, recorded the statement of PW1 and registered a case as Crime No.79 of 2013 in respect of the offence under Section 324, IPC and Section 3(l)(x) of the SC/ST Act. In view of the death of Shiva Shankar, the offences under Sections 302, IPC and Section 3(2)(v) of the SC/ST Act were added.

3.2. The prosecution, seeking to prove its case examined in all eleven witnesses, in addition to relying on certain documentary evidence. The oral evidence was led by the

prosecution through Padmamma-PW1 who was the mother of the deceased, Maruthi-PW2-the younger brother of PW1 and also one Narendar-PW3 who was claimed to have gone to PW1 to inform her when the incident occurred. PW3 was declared hostile. Tammanna-PW4 and Narsimha Reddy-PW5 were examined who too turned hostile. Ashappa-PW6 was a Panch witness examined who had signed the Panchanama-Ex. P5 along with one Mallappa, who did not enter the box. Inquest Panchanama-Ex. P7 was prepared and signed by PW6 along with said Malappa.

3.2.1. Dr. Sridhar-PW7 was the Medical Officer. He conducted the postmortem examination and signed the Postmortem Report-Ex. P8. Mr. Pavan Kumar-PW8, Sub Inspector of Police was examined who upon receipt of information on the date of incident from Government Hospital, went there and recorded the statement of PW1. K. Anantha Reddy-PW9, was working as Tahsildar at the relevant time and who issued caste certificates of the complainant, deceased and the accused was examined. Further examined was one Shaik Ismail-PW11 in his

capacity as Assistant Commissioner of Police as he took up further investigation. G. Udaya Kumar-PW10, police officer who investigated the offence and visited the scene of offence on the next day i.e., 13.05.2013 was examined.

3.2.2. Panchanama at Ex. P5 and rough sketch at Ex. P6 were produced. The FSL Report-Ex. P16 suggested that on the stone (Item No. 1) and on the cotton shirt (Item No. 3), the human blood was found. The Wound Certificate was added at Ex. P15. The Postmortem Examination Report was at Ex. P8.

3.3. The Trial Court considering the aforementioned evidence proceeded to convict the appellant. In recording guilt and consequential conviction, the Trial Court attached weight to the evidence of Padmamma-PW1-mother of the deceased and Narendar-PW3 who were the two projected as eyewitnesses to the incident. The Trial Court observed that PW1 had rushed to the place of offence and tried to rescue the deceased and at that time the accused also beat her on the left eye and abused her and mud-slanged about her caste. According to the Trial Court, immediately after the

incident, PW1 informed her brothers Maruthi-PW2 and Venkataiah-LW3 telephonically. The Trial Court noticed from the prosecution story that the crime took place in the backdrop of the accused having eloped some time back with the sister of the appellant, and the dispute was subsequently settled by the *Panchayat* asking the deceased to keep himself away from the village.

3.3.1. In the view of the Trial Court, the evidence of PW2, who is the brother of PW1, was stood fully corroborated with the evidence of PW1 with regard to the fact stated by PW1 about the incident and in respect of the injuries sustained by the deceased. A view was taken also that recovery of the stone from the scene of offence supported the version of PW1 about the occurrence and further that the FSL Report-Ex. P16 showed the blood group tallying with the blood detected on the clothes of the deceased.

4. Heard learned counsel Mr. D. Ramakrishna Reddy assisted by learned advocate-on-record Mrs. D. Bharathi Reddy and other learned advocates for the appellant, as well as learned counsel Mr. Kumar Vaibhaw with learned

advocate-on-record Mr. Devina Sehgal and other advocates for the respondent, at length.

5. Surveying the evidence briefly, both oral and documentary mentioned above, which is appreciated by the Trial Court and considered by the High Court in arriving at the finding of guilt against the appellant, would be useful in judging the merits of such conclusion. Padmamma-PW1 and Narendar-PW3 were shown as eyewitnesses who were stated to have witnessed the incident. The narrated story was that PW3 was a person who accompanied deceased Shiva Shankar while passing nearby the house of the appellant on the day of incident in the morning. According to PW1, she came to know about the incident from PW3 who stated to have rushed to PW1's place to inform her when the appellant was allegedly beating the deceased.

5.1. PW1 deposed that she and PW3 both rushed to the place and at that time found that the deceased was being beaten by the appellant with a stone. PW1 further testified that her son had taken away the sister of the accused three months ago and the said event was the root cause for the

incident. As per the evidence of PW1, at that time a *Panchayat* was held in the village which considered the issue of elopement of the sister of the accused and the deceased.

5.1.1. The prosecution case hinged on the story told in their evidence by PW1 and PW3. However, PW3 was declared to be hostile since he resiled from the story and did not support the prosecution. While PW1 stated that PW3 informed her about the incident and the two had gone to the place of offence, the hostile PW3 deposed that the deceased asked him to go away and thereupon he returned to his house at Ogipur village and that he never went to the house of PW1. In his cross examination, PW3 stated that his statement recorded under Section 161, Cr.PC-Ex. P2 was false and was made at the instance of the accused. He mentioned that the place of offence was the main road where there were movement of people and the quarry trucks/lorries almost twenty-four hours.

5.1.2. Maruthi-PW2, younger brother of PW1 deposed that he received telephonic instructions from PW1 about the

incident of beating of deceased by the accused and further that he and one Venkataiah went to the Government Hospital where the injured was shifted. PW2 also spoke on the lines of PW1, about the incident of elopement of the sister of the accused with the deceased and about the *Panchayat* having been held which decided to require the girl to be sent to her parents' house and the accused to leave the Ogipur village.

5.1.3. The other witnesses included Tammanna-PW4 and Narsimha Reddy-PW5. While they both stated that they knew the accused and his sister Sivamala, both became hostile witnesses. Each of the two stated that none of them had conducted any *Panchayat* regarding the issue of elopement of Sivamala and the deceased. Ashappa-PW6 and one Mallappa were the two Panchas who signed Panchanama-Ex. P5. According to PW6, a stone was found at the scene of offence which was seized. Inquest Panchanama-Ex. P7 was also signed by PW6 and said Mallappa, PW6 stated that the place of offence was the main

road, a place where the quarries were situated at some distance and there was movement of vehicles.

5.1.4. The medical evidence consisted of testimony of Dr. Sridhar-PW7 who conducted postmortem on 13.05.2015 and issued the Postmortem Report. The evidence of PW7 and details mentioned in the Postmortem Report-Ex. P8 as well as injuries described are mentioned in detail in the succeeding discussion.

5.1.5. Mr. Pavan Kumar-PW8 was the Sub Inspector of Police who upon receiving the information about the incident on 12.05.2013, went to the Government Hospital, recorded the statement of PW1 and registered FIR. K. Anantha Reddy-PW9, working as Tahsildar at the relevant time, issued caste certificates. Further investigation was taken up by one Shaik Ismail-PW11 who referred to the FSL Report-Ex. P16 to suggest that on the stone and on the cotton shirt, the human blood was found. G. Udaya Kumar-PW10, the police officer who investigated the offence and visited the scene of offence on the next day that is, on 13.05.2013 stated that Ashappa and Mallappa were called

for the purpose of preparing the Panchanama, who drew rough sketch. The stone was recovered. From the caste certificates received, the name of community of the complainant, deceased and the accused was revealed.

5.2. Before proceeding to consider the import and effect of the oral evidence led in support of the prosecution case, the medical evidence may be referred to for its relevance. PW7 mentioned external antemortem injuries to be of the kind and nature thus, (i) Contusion over left temporal region of skull of size 2 x 1 cm with fracture of temporal bone. (ii) Left black eye present. (iii) Laceration over chin of size 2 x 1 x 0.5 cms. (iv) Contusion over right side of forehead size 1 x 0.5 cms. (v) Contusion over right forearm of size of 3 x 2 cms fracture upper end radius. (vi) Contusion over chest wall of size 2 x 1 cms. (vii) Laceration of size 3 x 2 x 0.5 cms over right great toe with fracture metatarsal. (viii) Laceration of size of 3 x 1 x 1 cms over right lower end of radius fracture.

5.2.1. The Postmortem Report-Ex. P8 dated 14.05.2013 prepared by Dr. Sridhar-PW7 mentioned that the deceased died on account of “massive intracranial haemorrhage

secondary to head injury leading to cardiorespiratory arrest”.

5.2.2. There were noticeable discrepancies and mismatching details in the Inquest Report-Ex. P6, in the Postmortem Examination Report-Ex. P8 and in the evidence of PW7 in that regard, which have remained non-explanatory. While in the Inquest Report-Ex. P7, it was mentioned that a postmortem examination was concluded at 02.30 pm on 13.05.2013. In the Postmortem Examination-Ex. P8, it was stated that the postmortem was concluded on 14.05.2013 at 4.00 pm. This was an evident inconsistency in the indication of time in the conclusion of the postmortem examination.

5.2.3. The opinion given as to the cause of death was that it was 12 to 24 hours prior to the time of conducting the autopsy. If the date of 14.05.2013 is to be believed, then it does not correlate with the time of death which was indicated to be 12 to 24 hours before the time of autopsy. The doctor-PW7 who conducted postmortem examination has not been able to explain satisfactorily these

discrepancies found in Ex. P7 and Ex. P8 regarding the date of conducting of postmortem examination and the time of death. The answer given by PW7 in this regard was only that he erred in showing the date to be 14.05.2013 due to night duty as it was 24 hours long duty. This explanation hardly inspired credibility. A doctor conducting the postmortem examination cannot be believed to have skipped accuracy on such counts.

6. The proposition is settled that the postmortem report by itself cannot be treated as a piece of substantive evidence. It needs to be corroborated by other oral evidence. In **Ghulam Hassan Beigh vs. Mohammad Maqbool Magrey and Others**³, the above position regarding the evidentiary value of the postmortem report was stated,

‘...The post-mortem report of the doctor is his previous statement based on his examination of the dead body. It is not substantive evidence. The doctor's statement in court is alone the substantive evidence. The post-mortem report can be used only to corroborate his statement under Section 157, or to refresh his memory under Section 159, or to contradict his statement in the witness box under Section 145 of the Evidence Act, 1872. A medical witness called in as an expert to assist the court is

³(2022) 12 SCC 657

not a witness of fact and the evidence given by the medical officer is really of an advisory character given on the basis of the symptoms found on examination. The expert witness is expected to put before the court all materials inclusive of the data which induced him to come to the conclusion and enlighten the court on the technical aspect of the case by explaining the terms of science so that the court although, not an expert may form its own judgment on those material...’ (Para 31)

6.1. Since in absence of corroboration the postmortem report is not a substantive piece of evidence, the testimony of medical expert assumes importance in establishing the facts mentioned in the postmortem report. As stated above, Dr. Sridhar-PW7 was not in a position to offer satisfactory and acceptable explanation regarding the discrepancies and contradictions found in the Postmortem Examination Report-Ex. P8. When on one hand the Postmortem Examination Report-Ex. P8 was irreconcilable in terms of the details and dates mentioned therein which could not be sufficiently explained by the doctor, and on the other hand the Wound Certificate-Ex. P15 did not bear any date, the evidentiary value of this set of medical evidence stands diminished to nil.

7. While the medical evidence in the backdrop, operated as per the above details, the conspectus of oral evidence, when analysed, was found to be containing major discrediting aspects for the prosecution. Recollecting at this stage the primary story set up by the prosecution, the version was that the deceased had earlier eloped with the sister of the appellant, and the issue had been taken up by the *Panchayat* stated to have been then held, wherein it was decided that the deceased would leave the village and the girl was sent back to parent's house. The deceased returned to the village to attend the marriage of a friend and when passing by the house of the appellant along with PW3 in the morning, the altercation occurred and the deceased Shiva Shankar was done to death by the appellant. Padmamma-PW1-mother of the deceased, according to the story, rushed to the scene of the incident upon being informed by PW3, where she was also abused in terms of her caste and it was further claimed that she also suffered some injuries below the eye.

7.1. Furthermore, it comes in the evidence of G. Udaya Kumar-PW10, the investigating police officer and Ashappa-PW6 who was a Panch witness as well as Narendar-PW3 who testified that the scene of offence was the main road, it was a place where quarries were located nearby and further that there was a vehicular traffic as trucks and lorries were used to pass day and night. It is only reasonable to believe that since the scene of offence was a public place on the main road humming with traffic, there would have been persons who had witnessed the incident. The prosecution however did not examine anybody from the nearby. This aspect gains significance, when as per the total oral evidence analysed herein, the very occurrence of the incident has slipped into a doubtful story.

7.2. The event of elopement of the sister of the appellant and the post-holding of *Panchayat* in the village etc. was shown to be the genesis to the incident. The material parts of the version of the prosecution evidence have destroyed the prosecution story on this score. First is the aspect of Narendar-PW3 going to the house of the mother of the

deceased-PW1 to inform her about the incident and PW1 thereupon going to the scene of the incident and second, the factum that the *Panchayat* was held. The prosecution case about Narendar-PW3 going to inform PW1—mother of the deceased fell flat. PW3 turned hostile and testified in terms that the deceased asked him to go away, whereupon he returned to his house at Ogipur and never went to the house of PW1. Thus, what was deposed by PW3 in terms contradicted the statement of PW1. When PW3 was asked that he had stated about going to the house of PW1 to inform her in his statement under Section 161, Cr.PC-Ex. P2, PW3 stated that it was a false statement made at the instance of the accused.

7.3. Whereas PW1 asserted the said twin aspects Tammanna-PW4 and Narsimha Reddy-PW5 who both separately stated that none of them conducted any *Panchayat* about the issue of elopement of the sister of the accused Sivamala and the deceased. There is no other evidence which could corroborate the factum of holding of *Panchayat* etc.

7.4. The contention on behalf of the appellant that the mother of the deceased Padmamma-PW1 was an interested witness and that her evidence has to be seen as doubtful could not be brushed aside lightly when evaluated in light of the aforementioned contradictions disproving her deposed narratives.

7.5. It is true that the court is not expected to mechanically reject the evidence of a witness on the ground that the witness is a partisan witness or relative. This Court in **Masalti vs. State of Uttar Pradesh⁴**, speaking through a five judge bench, put a note of caution in appreciating the evidence given by an interested witness,

7.6. The following observations could be applied in the present case,

‘... There is no doubt that when a criminal court has to appreciate evidence given by witnesses who are partisan or interested, it has to be very careful in weighing such evidence. Whether or not there are discrepancies in the evidence; whether or not the evidence strikes the court as genuine; whether or not the story disclosed by the evidence is probable, are all matters which must be taken into account...’
(Para-14)

⁴ [1964] 8 SCR 133

8. In **Bhaskarrao and Others vs. State of Maharashtra**⁵, this Court highlighted that a witness who has a strong interest in the result should not be allowed to be weighed on the same scales with those who do not have such interest in the outcome. Treating these two categories at par, stated the court, would open the doors for the court to arrive at a perverted or distorted truth. It was observed,

‘...This sound rule which remains the bulwark of this system, and which determines the value of evidence derived from such sources, needs to be cautiously and carefully observed and enforced. There is no dispute about the fact that the interest of the witness must affect his testimony is a universal truth. Moreover, under the influence of bias, a man may not be in a position to judge correctly, even if they earnestly desire to do so. Similarly, he may not be in a position to provide evidence in an impartial manner, when it involves his interest. Under such influences, man will, even though not consciously, suppress some facts, soften or modify others, and provide favourable colour...’
(Para-36)

8.1. This Court opined that the above are the controlling considerations for assessing the credibility of human testimony, and the same should not be overlooked while

⁵ (2018) 6 SCC 591

applying the rules of evidence and while determining its weight.

8.2. Such an approach while evaluating the evidence of a related or interested witness calls for extra caution when the evidence of such witness suffers from contradictions and discrepancies, for, knowingly or unknowingly a departure from telling the truth by a witness belonging to such category naturally leads to give rise to inconsistencies. The discrepancies and inconsistencies in the testimony of a related or interested witness will have to be viewed in such context, and more particularly when other evidence on record sufficiently demolishes the evidence of the related or interested witness, its evidence would entirely lose its reliability to stand in support of the prosecution.

8.3. The law as to how to appreciate and apply the evidence of a hostile witness is also not far away to search. In **Khujji @ Surendra Tiwari vs. State of Madhya Pradesh**⁶, this court observed,

⁶ (1991) 3 SCC 627

‘...the evidence of a prosecution witness cannot be rejected in toto merely because the prosecution chose to treat him as hostile and cross-examined him. The evidence of such witnesses cannot be treated as effaced or washed off the record altogether but the same can be accepted to the extent their version is found to be dependable on a careful scrutiny thereof.’ (Para 6)

8.4. In **Koli Lakhmanbhai Chanabhai vs. State of Gujarat**⁷, this Court reiterated that the testimony of a hostile witness is useful to the extent which it supports the prosecution case. In **Bhagwan Singh vs. State of Haryana**⁸ also this Court held that when a witness is declared hostile and is cross examined with the permission of the court, his evidence remains admissible and there is no legal bar to arrive at a finding of conviction on the basis of the testimony of such hostile witness, if corroborated by other reliable evidence.

8.4.1. This Court in **Himanshu alias Chintu vs. State (NCT of Delhi)**⁹ after referring to the law on the evidence of the hostile witness as above underlined as under,

⁷ (1999) 8 SCC 624

⁸ (1976) 1 SCC 389

⁹ (2011) 2 SCC 36

‘The aforesaid legal position leaves no manner of doubt that the evidence of a hostile witness remains admissible evidence, and it is open to the court to rely upon the dependable part of that evidence which is found to be acceptable and duly corroborated by some other reliable evidence available on record...’ (Para-31)

8.4.2. Thus, the evidence of the hostile witness is admissible, once it gets strengthened with the help of other evidence. In **Khuji** (supra) and in **Koli Lakhmanbhai Chanabhai** (supra), it was held that it is open to the court to have a conviction upon the testimony of a hostile witness.

9. Therefore, when the testimony of a hostile witness is admissible subject to be feeded by corroboration and the conviction on that basis could be arrived at, the reverse is also true as a canon of appreciation of evidence. What necessarily implies is that as the evidence of a hostile witness can be used for convicting the accused, such evidence could indeed be applied and utilised also for the purpose of acquitting the accused, when what is testified by the hostile witness inspires credibility, when read with the other evidence on record, either ocular or documentary. The dictum would be that the testimony of a hostile witness or

statement in the deposition of hostile witness could be properly employed to discredit the prosecution case and a conclusion of acquittal could well be supported through it and could be founded therein.

10. Reverting back to the facts and the kind of evidence led by the prosecution, the interaction of evidence of PW1 and PW3 read with the evidence of PW4 and PW5, demolished the very fulcrum of the prosecution case, in as much as the very occurrence of the incident was discredited and became liable to be disbelieved, cementing doubts further by the fact that though the incident was claimed to have occurred in the open place humming with vehicular traffic, no person from the nearby was examined as a witness to support and establish the incident. Thus, the occurrence of incident itself could not be said to have been proved by the prosecution. The genesis of the incident and the motive of the crime were also not proved as the prosecution evidence could not establish the story of holding of *Panchayat* pursuant to the elopement of the sister of the accused and the deceased.

10.1. Injuries in the postmortem report became doubtful, for the Postmortem Report-Ex. P8 itself in its veracity stood strewn with discrepancies, contradictions and irreconcilable facts which the medical person in charge-PW7 could not explain. The Investigating Officer admitted that he visited the crime scene only on the next day, thus, the crime scene was not protected.

10.2. In wake of such weak, contradictory and crumbling evidence, where the prosecution miserably struggled to be finally unable to prove its case, the conviction recorded by the Trial Court and confirmed by the High Court is not sustainable. Both the courts committed a concurrent error in convicting the appellant. The judgment and order of the trial court and the High Court deserve to be set at naught.

10.3. As a result, judgment and order dated 04.02.2025 passed by the High Court for the State of Telangana, Hyderabad in Criminal Appeal No. 1111 of 2017 confirming the conviction and sentence recorded by learned Special Sessions Judge for Trial of Offences under SC/ST (Prevention of Atrocities) Act-cum-VII Additional District and

Sessions Judge, Ranga Reddy District in SC/ST S.C. No.51 of 2014 holding the appellant guilty of offences charged against him under the IPC and under the SC/ST Act, 1989, is hereby set aside.

10.4. The appellant is acquitted and shall be set at liberty forthwith unless required to be detained in respect of any other offence.

11. The Appeal stands allowed.

Any interlocutory application, as may be pending, shall not survive.

.....,J.
[PRASHANT KUMAR MISHRA]

.....,J.
[N.V. ANJARIA]

**NEW DELHI;
MAY 13, 2026.**