

Status: **Disposed**

Case Number: **CRL.A 1310/2018**
(KAHC010487632018)

Classification: **A**

Date of Filing: **16/07/2018 15:17:02**

Petitioner: **THE STATE OF KARNATAKA**

Petitioner Advocate: **SPP**

Respondent: **ABDUL SHARIEF @ AMEER JAN**

Respondent Advocate: **UMESH P B**

Filing No.: **CRL.A 1310/2018**

Judge: **H.P.SANDESH AND B.PRAMOD**

Last Posted For: **HEARING ON SENTENCE**

Date of Decision: **29/08/2026**

Last Action Taken: **ALLOWED**

Next Hearing Date: **03/09/2026**

Daily Orders: CRL.A 1310/2018

1	<u>03/09/2026</u>	H.P.SANDESH AND B.PRAMOD	
---	--------------------------	--------------------------	--

extreme culpability of appellant. However, there is sufficient evidence to establish culpability of appellant for three offences of murder as defined in Section 300 of IPC and for each of three offences of murder, appellant is liable under Section 302 IPC for imprisonment for life, if not extreme penalty of death.

The Apex Court also discussed with regard to Section 31 of CrPC, appellate court to impose sentences of imprisonment for more than one offence to run either consecutively or concurrently. The Apex Court in the case of Shabnam V/s State of Uttar Pradesh reported in (2015) 6 SCC 632, while determining the death sentence, discussed with regard to the rarest of the rare cases i.e. determination of contemporary community values. Having considered the principles laid down in the aforesaid judgments, the discretion of the Court must be exercised judiciously, having taken note of the gravity of the offence.

In the case of PURAN v. STATE REPRESENTED BY THE INSPECTOR OF POLICE reported in 2026 SCC OnLine SC 159, the Supreme Court has observed that the Court which convicts the person has to pass sentence and not delegate the powers to the trial Court to impose the sentence.

Having considered the contentions taken by the learned counsel for the respective parties and also the fact that this incident was taken place in the year 2013, the trial Court extended the benefit of doubt in favour of the accused, and this Court comes to the conclusion that the trial Court has committed an error in appreciating the evidence and the same amounts to perversity which has led to miscarriage of justice and hence converted the acquittal to conviction. Now the accused is aged about 63 years on account of a lapse of time of 13 years subsequent to the crime and at that time he was aged about 50 and now he is 63 years, the Court also took note of the accused's done away with the life of 6 persons and he was having a grudge against Doctor and in order to kill him has taken the life of other five members who are in the house, the accused with premeditation brought the petrol in a can and poured the same through a window and set the fire which has resulted in death of six persons. Though two deceased were aged about 60 years and 70 years, the persons who have lost, i.e. 2 years by and 9 years girl child and also 27 and 38 years of helpless woman.

Having taken note of the incident by pouring petrol and setting the fire, six persons have lost their life, but Court has to take note of this is not a brutal act of committing the murder and the same is also not a blood thirsty and it is only an offence of setting the fire by pouring the petrol which has resulted in loss of life of six persons that too, by offence of mischief. Having considered the said fact, though it is brutal but it is not bloodthirsty and setting fire and done away the life of six persons and hence the accused is sentenced to life imprisonment of each count of six life imprisonment for murder without any remission under Section 433 of CrPC and also he is not entitled for invoking of Section 428 in view of the interpretation of life imprisonment and the accused is not entitled for benefit of any set-off under Section 428 as well as remission under Section 433 of CrPC. The accused is sentenced to undergo for life imprisonment for each count of six death for the offence punishable under Section 302 of IPC with fine of Rs.25,000/- for each death and in default of payment of fine amount, the accused shall undergo further six months sentence for each death.

The accused is also convicted for the offence punishable under Section 307 IPC in view of causing of injury to PW1, who sustained burn injury to 34 percent. Hence, the accused is sentenced to undergo seven years in respect of PW1 is concerned in attempting to take away the life of PW1 with fine of Rs.50,000/- and in default of payment of fine amount, he shall undergo three months imprisonment.

The accused shall undergo for imprisonment for three years with fine of Rs.50,000/- for the offence punishable under Section 436 of IPC. In default of payment of fine, he shall undergo three months imprisonment.

All the sentences shall run concurrently not consecutively.

The accused is taken to the custody and remanded to Central Prison.

Registry is directed to issue conviction warrant to undergo sentence furnish the copy of this conviction and sentence order forthwith to the accused.

2	<u>18/08/2026</u>	H.P.SANDESH AND B.PRAMOD	HEARD-Judmt Reserved
	Heard. Reserved for judgment.		
3	<u>12/08/2026</u>	H.P.SANDESH AND B.PRAMOD	PARTLY HEARD
	Heard in part. List the matter on 18.08.2026.		
4	<u>12/08/2026</u>	H.P.SANDESH AND B.PRAMOD	PARTLY HEARD
	,		

17	<u>10/03/2026</u>	MOHAMMAD NAWAZ AND VENKATESH NAIK T	ADJOURNED
	List on 23.03.2026,		
18	<u>10/03/2026</u>	MOHAMMAD NAWAZ AND VENKATESH NAIK T	ADJOURNED
19	<u>03/03/2026</u>	MOHAMMAD NAWAZ AND VENKATESH NAIK T	ADJOURNED
	List on 10.03.2026		
20	<u>14/03/2025</u>	SREENIVAS HARISH KUMAR AND K.S. HEMALEKHA	ADJOURNED
	ORAL ORDER ON I.A.No.1/2025 (PER: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR) I.A.1/25 has been filed on behalf of the accused/respondent for granting bail. This appeal arises from the judgment of the court of Fast Track, III Addl. Sessions Judge, Mysuru. As the respondent did not appear before the court despite service of notice, warrant was issued to secure his presence and on execution of the warrant he was taken to custody. The application discloses sufficient cause for his absence after service of notice. That apart he has stood acquitted of the offences charged against him. He was on bail during trial. Therefore for all these reasons detention of the accused in custody may not be proper. Hence application is allowed. He is ordered to be released on bail on his executing a bond for Rs.2,00,000/- and providing two sureties to the likesum for the satisfaction of the trial court. Accused shall appear and surrender before the trial court in case this appeal is allowed.		
21	<u>03/03/2025</u>	SREENIVAS HARISH KUMAR AND K.S. HEMALEKHA	ADJOURNED
	Since Sri Umesh P B, learned counsel for respondent No.1 is said to be not in station, his proxy counsel appears and prays for time. Therefore list this appeal after two weeks.		
22	<u>18/07/2024</u>	K.S.MUDAGAL AND VIJAYKUMAR A. PATIL	ADJOURNED
	Case not reached. Adjourned.		
23	<u>12/07/2024</u>	K.S.MUDAGAL AND VIJAYKUMAR A. PATIL	ADJOURNED
	LIST ON 18-07-2024		
24	<u>11/07/2024</u>	K.S.MUDAGAL AND VIJAYKUMAR A. PATIL	ADJOURNED
	List on 12-07-2024.		
25	<u>04/07/2024</u>	K.S.MUDAGAL AND VIJAYKUMAR A. PATIL	ADJOURNED
	List on 11-07-2024		
26	<u>27/06/2024</u>	K.S.MUDAGAL AND VIJAYKUMAR A. PATIL	ADJOURNED
	Since Sri Umesh.P.B., learned Counsel as appeared for the respondent through High Court Legal Services Committee, Registry shall show only his name in the cause list. As requested by him, list on 04.07.2024.		

Designed by NIC in association with CMC, High Court of Karnataka
Hosted By: CENTRE FOR e-GOVERNANCE, Government of Karnataka

HCK-WEB-VP04 | Todays Visitor Count: **44858** | Visitor Count: **49924861** [Since 05/05/2025]

