

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.773 OF 2017

JAHIDULLAH

... APPELLANT(S)

VS.

STATE OF ASSAM & ORS.

... RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the parties.

The appellant is the complainant at whose instance an offence was registered and charges were framed for the offences punishable under Sections 147, 148, 325, 302 and 149 of the Indian Penal Code, 1860 (for short, "the IPC").

According to the case of the prosecution, on 27th October, 2012 about 9.00 a.m., the deceased was mercilessly assaulted by the accused who are respondent Nos. 2 to 6 with lathi and fist blows. The allegation is that respondent No.6 also gave a kick blow on the private part of the deceased.

The Trial Court passed an order of acquittal which is confirmed by the impugned judgment of the High Court. The High Court held that though all eye witnesses deposed in one voice that the deceased was mercilessly beaten by respondent Nos. 2 to 6 one after the other with lathi and belt and also by giving kicks and fist blows, the post-mortem examination report shows that not a single external injury was found on the body of the deceased. That is how the High Court observed that the post-mortem report completely demolished the evidence of the eye witnesses.

The learned counsel appearing for the appellant has taken us through the post-mortem report. He pointed out that though there may not be any external injuries noted in the report, it is observed that a small tear was present in the intestine in two sides. He submitted that the accused have offered no explanation for this injury.

The cause of death, as mentioned in the post-mortem report, is 'Hypovolemic shock and cardio respiratory failure'. The case of the prosecution was that the deceased was mercilessly beaten by the accused. As stated above, not a single external injury has been recorded in the post-mortem report. Therefore, the

evidence of the eye witnesses is required to be discarded. Once the evidence of the eye witnesses is discarded, it is impossible to come to the conclusion that the death of the deceased was homicidal.

Therefore, we are of the considered view that the view taken by the Trial Court and the High Court is certainly a plausible view which could have been taken on the basis of the evidence on record.

Accordingly, there is no merit in the appeal and the same is, accordingly, dismissed.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
March 06, 2025

ITEM NO.104

COURT NO.4

SECTION II

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). 773/2017

JAHIDULLAH

Appellant(s)

VERSUS

STATE OF ASSAM & ORS.

Respondent(s)

([TOP OF THE LIST] ORIGINAL RECORDS OF HIGH COURT AND TRIAL COURT
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IA No. 46760/2017 - EXEMPTION FROM FILING O.T.)

Date : 06-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. Adeel Ahmed, AOR

For Respondent(s) :

Mr. Shuvodeep Roy, AOR

Mr. Saurabh Tripathi, Adv.

Mr. Deepayan Dutta, Adv.

Mr. Fuzail Ahmad Ayyubi, AOR

Mr. Ibad Mushtaq, Adv.

Ms. Akanksha Rai, Adv.

Ms. Gurneet Kaur, Adv.

Mr. Hasan Raza Khan, Adv.

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

The appeal is dismissed in terms of the signed
order.

Pending application also stands disposed of.

(ANITA MALHOTRA)

AR-CUM-PS

(AVGV RAMU)

COURT MASTER

(Signed order is placed on the file.)