

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.412 OF 2013

ANAND

...Appellant

VERSUS

STATE OF UTTARAKHAND & ANR.

...Respondents

ORDER

We have heard learned counsel for the parties at considerable length who have taken us through the evidence adduced at the trial as also the judgments delivered by the trial court and that pronounced by the High Court. The Courts below have both concurrently found the deposition of the three eye-witnesses to the occurrence to be completely reliable. Both the Courts have further held that the gun-shot that killed the deceased-Subhash was fired by the appellant herein with his licensed .12 bore weapon, which fact was corroborated even by ballistic expert's report. There is, in our opinion, nothing in the depositions of the three witnesses that could render their version unworthy of credence. The fact that an incident had taken place a day before the date of occurrence in which the two parties had clashed, provided the motive for the commission of the offence in which one of the witnesses was also injured. Medical evidence adduced at the trial lent corroboration to that part. The deposition of the doctor has sufficiently proved that PW-1-Dhoom Singh who was an eye-witness to the occurrence had sustained injuries, proving

thereby that he was at the spot when the incident in-question took place. Just because eye-witnesses happen to be members of the family of the deceased is no reason for rejecting their depositions especially when members of the family of the deceased would not screen the real offender to falsely implicate the appellant. All told the Trial Court and so also the High Court have correctly held that the prosecution has satisfactorily established the charge framed against the appellant.

There is no merit in this appeal which fails and is accordingly dismissed.

.....J.
(T.S. THAKUR)

.....J.
(R. BANUMATHI)

NEW DELHI
DATED 15th April, 2015.

ITEM NO.106

COURT NO.2

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 SCriminal Appeal No(s). 412/2013

ANAND

Appellant(s)

VERSUS

STATE OF UTTARAKHAND & ANR.

Respondent(s)

(with appln. (s) for permission to file lengthy list of dates and bail and office report)

Date : 15/04/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE R. BANUMATHIFor Appellant(s) Mr. Chandra Shekar, Adv.
Mr. Saurabh Upadhyay, Adv.
Mr. Udit Arora, Adv.
Ms. Shobha Jana, Adv.
Mr. Sanjay Kumar Tyagi, Adv.For Respondent(s) Dr. Abhishek Atrey, Adv.
Mr. Sumit Rajota, Adv.

Ms. S. Ramamani, Adv.

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

In terms of the signed order, this appeal is dismissed.

(MAHABIR SINGH)
COURT MASTER(VEENA KHERA)
COURT MASTER

(Signed order is placed on the file)