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Crl.A.No. 608 OF 1997
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.608 OF 1997

State of Rajasthan Appellant

Versus

Suresh Chandra Singh..... Respondent

O R D E R

The State of Rajasthan is in appeal before us against the rejection of their application for leave to appeal by the Rajasthan High Court, Jaipur Bench, Jaipur. The High Court while doing so agreed with the findings of the trial court and did not find any merit in the application for granting leave to appeal.

The respondent herein was charged for the offence punishable under Section 302 IPC before the Additional District and Sessions Judge, Sambhar Lake, Jaipur. The prosecution case was that he committed the murder of his wife on 5.5.1991 at about 3 o'clock by pouring kerosene and setting her on fire. For proving its case, the prosecution relied on the two dying declarations. One extra judicial dying declaration made to the relatives and the neighbours of the deceased, the other dying declaration made to the Sub Divisional Magistrate in the presence of the doctor. Considering the said dying declarations the trial court came to the conclusion that it is the case of the prosecution itself that the deceased poured kerosene on her with an intention to commit suicide and the accused only instigated his wife to commit suicide which induced her to light the match-box and set herself on fire. The court also came to the conclusion that the prosecution has failed to establish that the appellant himself lit the fire so as to make him liable under Section 302 IPC of committing murder hence held that it would be an offence punishable under Section 306 IPC only and for the same sentenced him for rigorous imprisonment for three years and directed him to pay a fine of Rs.15,000/-. The Court further directed if the amount of fine is paid by the accused then this amount should be utilised for the benefit of the children of the deceased.

The learned counsel appearing for the State contended before us that the High Court has erred in dismissing their application for leave and consequently dismissed the appeal without assigning any reason.

In view of the said complaint made by the learned counsel for the State instead of remanding back the matter to the High Court we have with the assistance of the learned counsel perused the judgments of the trial court and the High Court and having done so we find no reason to disagree with the findings of the trial court as also that of the High Court. For the reasons stated above, the appeal fails and the same is dismissed.

.....J.
(N. SANTOSH HEGDE)

.....J.
(B.P. SINGH)

NEW DELHI,
FEBRUARY 10, 2004.
ITEM No.103

Court No.4

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No. 608 of 1997

STATE OF RAJASTHAN Appellant (s)

VERSUS

SURESH CHANDRA SINGH

Respondent (s)

(With office report)

Date : 10/02/2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE B.P. SINGH

For Appellant (s) Mr. Manish Singhvi, Adv.
Mr. V.N. Raghupathy, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Mr. Manish Singhvi, learned counsel started his argued the matter for about half an hour. Hearing concluded. The appeal fails and the same is dismissed in terms of the signed order.

(PAWAN KUMAR) (PREM PRAKASH)

COURT MASTER COURT MASTER

(signed order is placed on the file)