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Cr1.A.No. 613 OF 2000

Item No. 104

Court No. 10

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. 613 of 2000@@
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Raghuraj Singh

Appellant (s)

Versus

State of U.P.

Respondent (s)

(With Office Report)

Dated: 13/08/2002: This matter was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s) Mr. SM. Jadhav, Adv.

For Respondent (s) Mr. Praveen Swarup, Adv.
Mr. Prashant Choudhary, Adv.
Mr. Praneet Ranjan, Adv.

UPON hearing counsel the Court made the following
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.SP2

Mr. SM. Jadhav, the learned counsel appearing for
the appellant commenced arguments at 3-00 p.m. and concluded
his arguments at 3-25 p.m. Hearing concluded. Appeal
dismissed.

.SP1

(S.Thapar) (V.P. Tyagi) @@
AA
PS to Registrar Court Master@@
AA

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 613 OF 2000@@
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Raghuraj Singh

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Kanhaiya Lal died on account of the gun injury. The injuries sustained by him are:

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Gun shot wound of entrance circular 1 cm x 1 cm abdominal cavity deep in upper part of right buttock 11 cm right lateral to vertebra column, no tattooing.

The death had occurred due to shock and haemorrhage caused by the aforesaid gun shot injury.

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According to medical testimony, death of Kanhaiya Lal occurred due to shock and haemorrhage caused by aforesaid gun shot injury. In all, six accused including the appellant were put on trial for offence under Sections 148, 397, 149, 302 read with Section 149 I.P.C. All of them were convicted for offence under Section 302 IPC read with Section 149. Life imprisonment was imposed on them. For other offences varied punishments were inflicted.

Two appeals were filed challenging the judgment of the

trial court. Criminal Appeal No.2961 of 1980 was filed by 5 accused including one Phool Singh and Criminal Appeal No.2980 of 1980 was filed by Raghuraj Singh, the appellant before us. Phool Singh died during the pendency of the appeal before the High Court. The High Court by common impugned judgment and order allowed Criminal Appeal No.2961 of 1980 by giving the appellants in the said appeal, benefit of doubt. The conviction and sentence of the appellants was, however, maintained and hence this appeal.

The six accused were relations. The trial court inter alia relying upon the testimony of eye-witnesses including the testimony of P.W.1 Bhagwan Singh - an injured eye-witness has

found the appellant guilty and the same has been confirmed in appeal by the High Court on appreciation of evidence. The gunshot injuries sustained by P.W.1 are:

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Two gunshot wounds of exit 3 cm part 1 cm x 1 cm in diameter margin averted lateral side left elbow, advised X-ray.

Traumatic swelling left elbow. Advised X-ray.

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It stands established that the shot was fired from the licensed gun of the appellant. Having regard to the evidence on record we find no ground to take a view different than that

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taken by the High Court in the impugned judgment and order. The appeal is accordingly dismissed.

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.....J
(Y.K. Sabharwal)

New Delhi,
August 13, 2002

.....J
(H.K. Sema)