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Cr1.A.No. 236-237 OF 1998  
ITEM No.103

Court No. 5

SECTION IIA

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.236-237 OF 1998

STATE OF PUNJAB Appellant (s)

VERSUS

SATNAM SINGH & ANR. Respondent (s)

(with office report)

Date : 17/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. Naresh Bakshi, Adv.  
Mr. Bimal Roy Jad, Adv. (not present)

For Respondent(s)Mrs. K Sharda Devi, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties.  
The appeals are dismissed in terms of the signed order.

(D.L.Chugh) (Vijay Aggarwal)  
AR-cum-PS Court Master  
Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.236-237 OF 1998

STATE OF PUNJABAppellant(s)

versus

SATNAM SINGH AND ANR. Respondent(s)

O R D E R

The State of Punjab has filed these appeals against the judgment of a Division Bench of the Punjab and Haryana High Court dated 22.7.1997 in Criminal Appeal Nos.408 and 490 of 1994. The a

ccusations were that the accused-respondents were responsible for having caused homicidal death of one Battan Singh (hereinafter referred to as "the deceased"). The trial court found the accused Tilak Raj guilty of the offence punishable under Section 302 of the Indian Penal Code, 1860 (for short "the IPC"), while the other accused, namely, Satnam Singh was convicted under Section 302 read with Section 34 IPC. The High Court found the evidence to be not cogent, credible or trustworthy and directed acquittal of the accused.

The fate of the prosecution version primarily rested on the evidence of PWs 3 and 4 who were claimed to be eye witnesses. Though, the trial court found their evidence trustworthy, the High Court highlighted several infirmities in their evidence and concluded that they could not have been eye witnesses, as claimed. Added to that, the High Court noted that there was an unexplained delay in lodging the first information report. Taking the cumulative effect of the discrepancies, the High Court directed acquittal of the respondents, as aforesaid.

Learned counsel for the appellant-State submitted that the approach of the High Court in appreciating the evidence of PWs 3 and 4 is not correct. Merely because there were some minor discrepancies, as noticed by the High Court, that should not have weighed with the High Court to record the order of acquittal. Learned counsel appearing for the respondents supported the judgment of the High Court.

On a careful reading of the evidence of PWs 3 and 4 we find that the High Court has rightly noted the material discrepancies and contradictions in their evidence. The discrepancies which were pointed out were not of minor in nature, as pointed out by the learned counsel for the State of Punjab. The discrepancies noticed in their evidence and the effect on the credibility of the prosecution version has been rightly analysed by the High Court. We do not find any infirmity in the conclusions arrived at by the High Court to warrant our interference with the judgment of acquittal. The appeal being sans merit are dismissed.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
FEBRUARY 17, 2004