

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(s). 47-49 OF 2006

A. BENEDICT

Appellant (s)

VERSUS

STATE REP. BY INSPECTOR OF POLICE & ORS.

Respondent(s)

(With office report)

Date: 15/03/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. S.Nanda Kumar,Adv.
Ms. Anjali Chauhan,Adv.
Mr. V.N. Raghupathy,Adv.

For Respondent(s)

Mr. S. Thananjayan,Adv.

Mr. R.Anand Padmanabha,Adv.
Mr. Prithviraj B.N.,Adv.
Mr. Plato Aristotle,Adv.
Mr. Shashi Bhushan Kumar ,Adv.

Ms. Srikala Gurukrishna Kumar ,Adv.(NP)

Mr. Bono,Adv.
Mr. P. Soma Sundaram ,Adv.

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

The appeals are dismissed.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 47-49

OF 2006

A. BENEDICT

.. APPELLANT(S)

vs.

STATE REP. BY INSPECTOR OF
POLICE & ORS.

.. RESPONDENT(S)

O R D E R

These appeals have been filed by the complainant.

Fourteen accused in all were sent up for trial for offences punishable under Section 302 and Section 302/149 and several other provisions of the IPC. The Trial Court convicted all the accused, A.1 to A.3 under Section 302, and A.5 to A.14 under Section 302/149 and awarded them a sentence of life imprisonment along with fine. A.3 was also convicted for an offence punishable under Sec.324 of the IPC and was awarded a sentence of two years whereas A.4 was convicted under Sec.325 of the IPC and awarded a sentence of three years. It was further directed that all the sentences were to run concurrently. An appeal was thereafter taken by the accused to the High Court and the High Court has, by the impugned judgment, allowed the appeal. It is in this situation that the present appeals are before us.

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We have heard the learned counsel for the parties and gone through the record very carefully. The High Court has recorded its findings on two substantial pieces of evidence which have been brought to our notice by the learned counsel for the appellant during the course of hearing today. It has been first found that the genesis of the incident and the manner in which the deceased and the injured prosecution witnesses had suffered injuries had been revealed much before 2.00 p.m. when the first information report had been formally recorded by PW.2-the Sub-Inspector. For arriving at this conclusion the High Court has observed that in the memo recorded by PW.22 that was sent along with the injured to the hospital at about 9.00 a.m. (as the incident had happened about 15 minutes earlier) falsified PW.22's statement that after receiving information at about 11.00 a.m. he had gone to the hospital and thereafter recorded the statement of the injured PW.1 which formed the basis of the FIR registered at 2.00 p.m.. The High Court therefore found that the genesis of the

incident and the first version of how it had happened had been suppressed by the prosecution more particularly as the memo had not been produced in evidence.

Likewise the High Court has disbelieved the statement of PW.9 who is said to be an independent witness.

This witness conceded that he was a stranger to the locality and was in fact sitting a long distance away and

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had been attracted when the incident happened by the noise that had come about. In the light of these two findings the High Court has given a positive opinion that the prosecution story suffered from glaring flaws. The High Court has come to its conclusions on an appreciation of the evidence. In the circumstances, these appeals call for no interference.

Dismissed.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
March 15, 2011.