

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. 938 OF 2004

ANNILAL

Appellant (s)

VERSUS

STATE OF M.P.

Respondent(s)

(With office report)

Date: 30/03/2005 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Ms. Asha G. Nair, Adv.

for Ms. Anu Mohla, Adv. (SCLSC)

For Respondent(s)

Mr. C.D. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 938 OF 2004

Annalal

...Appellant (s)

Versus

State of Madhya Pradesh

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The sole appellant, along with accused Rammu, was convicted by the Trial

Court under Section 302 read with Section 34 of the Indian Penal Code and each one of

them was sentenced to undergo imprisonment for life. On appeal being preferred, the

High Court upheld their conviction. Hence, this appeal by special leave on behalf of the

appellant herein as another accused-Rammu, it appears, did not move this Court.

Ms. Asha G.Nair, learned counsel appearing on behalf of the app

appellant, in

support of the appeal, has very fairly placed before us First Information Report as well as

the evidence of solitary eye-witness-Nanhe Veer-P.W.10. The evidence of P.W.10 has been

supported by three other witnesses, namely, Govind- P.W.4, Rajender Singh-P.W.5 and

Ujjiyar Singh-P.W.6, before whom, immediately after the occurrence, P.W.10 disclosed the

names of both the accused persons, including the appellant. Having gone through the

evidence of these four witnesses, we do not find that the two Courts have committed any

error in placing reliance

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thereupon, more so, when their evidence is corroborated by medical evidence wherein Dr.

R.S.Chakrawarti-P.W.13, held post-mortem on the dead body of the victim-Gautam,

found ten injuries by sharp cutting weapons. This being the position, we are of the view

that the High Court has not committed any error in upholding the conviction of the

appellant and no ground for interference with the same is made out.

The appeal, accordingly, fails and the same is dismissed.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

March 30, 2005.