

ITEM NO.102

COURT NO.7

SECTION IIB

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. 2252/2011

RANJIT SINGH & ANR

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With application for suspension of sentence and bail)

Date : 25/02/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. S.C. Paul, Adv.
Ms. Roopa Paul, Adv.
Ms. Sunita Bhjardwaj, Adv.
Mr. Satyendra Kumar, Adv.

For Respondent(s) Mr. Jayant K. Sud, A.A.G.
Ms. Jasleen Chahal, Adv.
Mr. Kuldip Singh, A.O.R.

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

Heard learned counsel for the appellants.

For the reasons recorded in the signed order,
the appeal is dismissed.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

ITEM NO.4

COURT NO.7

SECTION IIA

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(s). 933/2011

ABDUL RAHIM

Appellant(s)

VERSUS

SHAHID IQUBAL KHAN & ANR.

Respondent(s)

Date : 25/02/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s)

Mr. Himanshu Shekhar,Adv.

For Respondent(s)

Mr. Gopal Singh,Adv.

Mr. Ambhoj Kumar Sinha,Adv.

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

Leave granted.

The appeal stands allowed in terms of the
signed order.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2252 OF 2011

RANJIT SINGH & ANR. APPELLANTS

VERSUS

STATE OF PUNJAB RESPONDENT

O R D E R

Heard learned counsel for the appellants.

Of the three accused, only two are before us since the impugned judgment of the High Court discloses that the third accused Major Singh died even during the pendency of the appeal, both the appellants were convicted for offences under Section 302 read with 34 of the Indian Penal Code.

As the narration goes, the appellants along with the deceased accused Major Singh had grudge against the deceased Sukhwinder Singh. The appellant along with Major Singh, went to the house of the deceased Sukhwinder Singh on 18th March, 1997, when P.W. 4 was present. The deceased was taken by all the three

accused for a stroll. The deceased went with them but did not return back. Even during the same night a search was made but he could not be traced. But on 19th March, 1997 at about 9:00 A.M. the dead body of the deceased was found lying in the Canal Minor on the Cart Road leading from village Laddi to Naiwala near Kotha (Chamber) of tubewell of Nihal Singh (PW 3). He was found lying dead with multiple injuries on his person and by the side of the body empty bottle of country made liquor and a glass was also found. Foot prints were also noted. A doubt arose as against the accused Major Singh (deceased) since a few days before the killing of the deceased, the deceased had cut a joke with Sukhpal Kaur alias Palo, niece of Major Singh, with reference to which Major Singh himself expressed his grievance to P.W. 4, the father of the deceased. In fact, the assault on the deceased by the accused was witnessed by P.W. 1 by name Babu Ram. In the above stated background, after the body was recovered and sent for post-mortem, the following injuries were found by P.W. 6, Dr. Ravindra Bansal:-

"1. Incised wound 7cm X 1 cm present in occipital area, horizontal, on dissection underlying bone was fractured. Brain matter incised, blood was present in cranial cavity.

2. *Incised wound of 9cm X 1 cm X bone deep present in rightly maxillary area extending from nose towards right ear.*
3. *Elliptical penetrating wound of 3 cm X 1 ½ cm X lungs deep present on left side of chest, 6 cm lateral to sternum just below clavicle. On dissection underlying rib fractured, pleurae incised, lung penetrated and blood present in pleural cavity.*
4. *Lacerated wound of 2 cm X 1 cm X muscle deep present in lt (left) mammary area.*
5. *Lacerated wound of 1.6 cm X 1 cm X muscle deep present inferolateral to right nipple.*
6. *Penetrating elipticle wound of 2 cm X 1 cm present in right infra mammary area of chest in anterior axillary line. On dissection underlying pleura and ribs fractured , pleura with lungs penetrated & blood present in pleura cavity.*
7. *Elliptical penetrating wound of 1 cm X 0.5. cm present in left iliac area of abdomen intestinal coils protruding out of it. On dissection peritoneum and underlying gut coils perforated and blood present in abdominal cavity.*
8. *Incised wound of 5 cm X 1 cm present on ulnar side of back of right wrist. Underlying bones fractured.*
9. *Incised wound of 5 cm X 1 cm present on back of lower third of right forearm.*
10. *Lacerated wound of 8 cm X 1 cm present on lateral side of upper third of left arm.*
12. *Incised wound of 3 cm x 1 CM X muscle deep on back of left elbow.*
13. *Incised wound of 4 cm X 1 cm X muscle on back of left hand at bases of index and middle fingers.*
14. *Incised wound of 2 cm X 0.5 cm on back of left thumb with underlying fracture of bone at IP joint.*
15. *Incised wound of 15. cm X 0.5 cm at base of left thumb.*
16. *Incised wound of 1 cm X 0.5 cm on back at about middle of dorsal spine.*
17. *Incised wound of 1.5 cm X 0.5 cm on back of right scapular area.*

18.Incised wound of 1.5 cm X 0.5 cm on back of neck.

According to P.W. 6, the injuries could have been caused by Kirpan, Exhibit P5, dagger, Exhibit P6 and the knife, Exhibit P7. The evidence of P.Ws. 1 to 4 disclose that the deceased was last seen in the company of the appellants and the co-accused Major Singh on 18th March, 1997 at about 7:00P.M., 9:30P.M. and 10:00P.M. which was confirmed by P.W. 4 and P.W. 2 and P.W. 1. P.W.1 who was an eye witness to the occurrence had seen the appellants along with Major Singh butchering the deceased with the weapons mentioned above. After the said occurrence, P.W. 3 noticed all the three accused marching with the weapons namely, the knife, dagger and the kirpan with blood stains on the weapons and their clothes. Blood stained weapons - knife, dagger and kirpan were recovered at the instance of the appellants as well as Major Singh which was sent to the Forensic Science Laboratory and the FSL Report dated 22nd April, 1997 confirmed the involvement of these weapons. Further evidence which was weighed before the Court was the finger print impression of the co-accused Major Singh on the liquor bottle as well as the glass which was recovered from the spot of occurrence. The foot

print moulds taken from the spot was also sent for expert's opinion and it came to light that this foot print were that of the first appellant and deceased accused Major Singh. A perusal of the injuries noted in the post-mortem report Exhibit PD as spoken to by P.W. 6 discloses that cut wound were found on almost all vital parts of the body namely, head, neck, chest, abdomen, both the hands and legs. It only discloses that the appellant wanted to ensure that the death of the deceased should be certain and he should not be spared. Though D.W. 1 was examined on behalf of all the appellants, even his evidence only supported the version of P.W. 2 who on his way to Sangrur on the evening of 18th March, 1997 witnessed the appellants along with Major Singh consuming liquor on the bridge of Canal Highway. That is, in every respect the proof of the act of the appellants along with the deceased co-accused Major Singh which has been established only by legally acceptable evidence and the trial court as well as the High Court having analysed the same approved their ct in order to convict the appellant and for affirming the same, we do not find any good ground to interfere with the same.

Learned counsel for the appellants lastly contended

that appellants are in jail for more than ten years and, therefore, sentence can be reduced while modifying the conviction from Section 302/34 to one under Section 304 of the Indian Penal Code. Having regard to the nature of evidence relied upon by the courts below and the kind of injuries inflicted upon the deceased, we do not find any scope to accede to the said submission made on behalf of the appellant. We do not, therefore, find any merit in this appeal and the same is dismissed.

.....J
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

.....J
[ABHAY MANOHAR SAPRE]

NEW DELHI
FEBRUARY 25, 2015.