

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1479 OF 2007

STATE OF M.P.

Appellant (s)

VERSUS

THAGGOO

Respondent(s)

O R D E R

In this appeal by special leave the State of Madhya Pradesh has called in question the legal acceptability of the judgment dated 13.09.2006 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.1208 of 1994 whereby it has set aside the judgment of conviction and order of sentence passed against the respondent-accused convicting him for offences punishable under Sections 302, 342 and 323 of the Indian Penal Code (for short, 'the IPC') and sentencing him to imprisonment for life for the offence under Section 302 IPC and imposing separate sentences for other offences.

Bereft of unnecessary details, the prosecution case, in brief, is that on 08.11.1993 about 8 P.M., Premvati (PW2), was on her way to watch Birhi (local festival). When she reached near the house of the accused, as alleged by the prosecution, she was dragged inside the house and when she shouted for help, her husband, deceased Bablu, went to her rescue. The accused caught hold of Bablu dragged him inside the house and gave him two blows with axe, as a consequence of which he fell in the courtyard of the respondent. At that juncture, other persons, namely, Nirpat, Machnu, Bodu and Rampal reached the spot. They took Bablu to the District Hospital, Shahdol where he succumbed to the injuries after few hours. An FIR being lodged, the criminal law was set in motion and the investigating agency arrested the accused, sent the dead body for post mortem, examined the witnesses, seized certain articles and eventually placed the charge-sheet before the competent court, which in turn sent the matter to the Court of Session for Trial.

The accused abjured his guilt, pleaded false implication and claimed to the trial.

The prosecution, in order to bring home the charge, examined Premvati, (PW2), the wife, Nirpat (PW3), the brother-in-law, Buddu (PW4), the son-in-law and Babbu (PW5), the brother of the deceased respectively. The learned Trial Judge on appreciation of the evidence on record found the accused guilty of the offences and sentenced him as has been stated earlier.

On a motion in appeal, the High Court after bestowing anxious consideration on the evidence brought on record came to hold that there is no concrete evidence that Premvati (PW2) had



CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE DIPAK MISRA

For Appellant(s)                Ms. Vibha Datta Makhija,Adv.  
   Ms. Archi Agnihotri,Adv.

For Respondent(s)

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

The appeal is dismissed in terms of the signed order.

| (NARENDRA PRASAD)  
| COURT MASTER

| | (RENUKA SADANA)  
| | COURT MASTER

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1 (Signed order is placed on the file)