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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 987 OF 2007

DEVISING DADUBHAI VASAVA & ORS.

.....APPELLANT(S)

VERSUS

STATE OF GUJARAT

.....RESPONDENT(S)

O R D E R

Heard Mr. S.C. Patel and Mr. Brijender Chahar, senior counsel, appearing for the appellants.

The three appellants (appellant No.3 being the father and appellant Nos. 1 and 2 his sons) along with two other accused were put on trial on charges under Sections 396 and 427 read with Section 120-B of the Penal Code. At an early stage of the proceedings, one of the accused absconded and his trial, therefore, had to be separated.

At the conclusion of the trial, the trial court acquitted one of the accused, but convicted the three appellants under the aforesaid sections of the Penal Code. Appellant No.1 was given the death sentence and appellant Nos. 1 and 2 were sentenced to life imprisonment and a fine of Rs.1,000/- each, in default of payment of fine, they were directed to undergo simple imprisonment for one month under Section 396 of the Penal Code. For the offence under Section 427, they were sentenced to rigorous imprisonment for one year and a fine of Rs.500/- each and in default of payment of fine, to suffer simple imprisonment for 15 days.

In addition, all the three appellants were ordered to pay compensation of Rs.1,00,000/- each to the wife and children of the deceased.

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In appeal and the death reference that were heard together, the High Court confirmed the conviction of all the three appellants but commuted the death sentence awarded to appellant No.1 to life imprisonment.

On hearing counsel for the appellants and on going through the judgment and order passed by the High Court and the other materials on record, we are satisfied that the prosecution evidences were properly appraised and the courts rightly arrived at the finding of the appellants' guilt. The High Court was also right in commuting the death sentence awarded to appellant No.1 by the trial court to life imprisonment.

We find that the evidences of the wife and son of the deceased, who are PWs 1 and 5 respectively, and of PW-4, one of the neighbours, along with the medical evidence, should, without anything else, be sufficient to bring home the charges against the three appellants.

We find no merit in the criminal appeal. It is, accordingly, dismissed.

.....J
(AFTAB ALAM)

.....J

(R.M. LODHA)

NEW DELHI,
JANUARY 25, 2011.
ITEM NO.102

COURT NO.12

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(s). 987 OF 2007

DEVISING DADUBHAI VASAVA & ORS.

Appellant (s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(With appln(s) for bail and office report)

Date: 25/01/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

Mr. S.C. Patel, Adv. (AC)
Mr. Brijender Chahar, Sr. Adv. (AC)

For Respondent(s)

Ms. Jesal Wahi, Adv.
for Ms. Hemantika Wahi, Adv.

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

The Criminal Appeal is dismissed.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master

(signed order is placed on the file)