

\222

Cr1.A.No. 942 OF 2003

ITEM NO. 106

COURT No. 8

SECTION II-A

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. 942/2003

Kalodar Bhuinya & Ors.

Appellant(s)

Versus

State of Jharkhand

Respondent(s)

(with office report)

Cr1.MP Nos. 7040 & 7041/2004 (For permission to file addl. documents and exemption from filing OT)

DATE : 20/07/2004

This/These matter/matters was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Ms. Sashi Kiran, adv. (AC)

For Respondent(s)

Mr. Anil Kumar Jha, Adv.

Mr. Manish Mohan, Adv.

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

Heard learned counsel for the parties.

Appeal fails and the same is dismissed in terms of the signed order.

[Charanjeet Kaur]
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. 942 OF 2003

Kalodar Bhuinya & Ors.

..

Appellant(s)

Versus

State of Jharkhand

..

Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellants were convicted by trial Court under Section 302 read with 34 of the Penal Code and sentenced to undergo imprisonment for life and on appeal being preferred, the High Court of Jharkhand confirmed the same. Hence this appeal by special leave.

Having heard learned counsel for the parties and perused the impugned judgments as well as evidence rendered on behalf of the prosecution, we are of the view that the High court has not committed any error in upholding conviction of the appellants, especially in view of the fact that the prosecution case has been supported by P.W. 1 who was the informant and eye-witness to the alleged occurrence. This witness was accompanying the deceased, as such, his presence cannot be doubted in any manner. He supported the prosecution case in all material particulars and his statement in Court is consistent with the First Information Report as well as his subsequent statement made before the police. Learned counsel appearing on behalf of the appellants could not point out any

2

infirmity in his evidence. P.W. 3 is a witness who corroborated statement of P.W. 1 as he stated that immediately after the occurrence, P.W. 1 gave information to this witness who was nobody else than son of the deceased about the present occurrence disclosing therein names of the appellants. His evidence is unimpeachable as he is a natural witness and there is nothing to doubt veracity of his sworn testimony. Apart from evidence of the aforesaid witnesses, the prosecution case of inflicting injuries by chhura is supported by medical evidence as doctor found that injuries were caused by chhura. This being the position, we are of the view that the prosecution has succeeded in proving its case beyond reasonable doubts and the High Court has not committed any error in upholding conviction of the appellants. Accordingly, appeal fails and the same is dismissed.

.....J[B.N. AGRAWAL]

.....J [H.K. SEMA]

NEW DELHI,
JULY 20, 2004.