

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 152 OF 2009

HIRA SINGH & ANR.

...APPELLANT(S)

VERSUS

STATE OF M.P.

...RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 1753 OF 2009

CRIMINAL APPEAL NO. 461 OF 2008

O R D E R

Following nine accused were tried for the murder of one
Telshildar Singh

1. Prem Singh S/o Hargovind Singh age 30 years, resident village Khadiya Behed Police Station Sihoniyani.
2. Ramesh S/o Sarnaam Singh Age 28 years resident Village Uttarpura, Tashil Jaura.
3. Hiralal Singh S/o Gokaran Singh Age 26 years Resident village Khadiya Behed Police Station Sihoniyani.
4. Surat Singh S/o Deenbandu Singh Aged 84 years resident village Khadiya Behed Police Station Sihoniyani.
5. Firangi S/o Chadan Singh aged 28 years resident Hal Bouriwali Bumbai resident village Khadiya Behed Police Station Sihoniyani.
6. Gokarana Singh S/o Hargovind Singh age around 56 years, occupation farming, resident village Khadiya Behed Police Station Sihoniyani Tahsil Ambah, District Morena (Madhya Pradesh)
7. Banbari S/o Bholasingh Age 29 years resident village Khadiya Behed Police

Station Sihoniyan.

8. Rambabu s/o Koksingh, age around 29 years, occupation farming resident village Khadiya Behad, Hal Sikandrabad.

9. Yaduvir Singh S/o Ramlalsingh age 32 years resident village Khadiya Behad Police Station Sihoniyan District Morena.

The trial court acquitted all the nine accused. Accused No.6 viz. Gokarana Singh died during the pendency of the appeal before the High Court. All the other eight accused have been convicted by the High Court. A-4, A-5, A-7 and A-9 have been convicted under Section 302 of the Indian Penal Code and the remaining accused under Section 302/149.

We have heard learned counsel for the parties and perused the relevant record.

The version of P.W-1, the main eye witness, is as follows:

"About 20 months ago at about 4.30 O'clock in evening I was sitting on Mendh of Bhumiya field of mine and Karan Singh and in that field Tehsildar was ploughing. At that time from the side of Sikrodi Gaon through the Bajara field Heera Singh with Mouzer Pistol and Prem Singh with 12 number Pistol and Banwari, Firangi and Rammu with lathies came to our field. As soon as they came to field Heera Singh fired his Mouser Pistol on Tehsildar to kill him but this fire did not hit him, then I and Tehsildar ran towards the village. Tehsildar was ahead while I was on his back. By the side of our field in pond Ajamer Singh and Chaudhary Singh were grazing buffalos who seeing that challenged loudly what is that thereafter I and Tehsildar ran to the Patpara of Hanuman. Then from the front side Surat Singh with mouser gun, Jagbir Singh twelve bore gun and Gokaran and Ramesh with Lathis came there.

Surat Singh fired a gun shot from mouser gun hitting the stomach of Tehsildar this had hit his stomach on left side below his ribs. Tehsildar had fallen there itself. In the meantime from the back side Heera Singh, Prem Singh, Banwari, Rammu and Firangi had come, Banwari and Firangi had it with luhangi lathi on head of Tehsildar."

As per the above version participation of A-4, A-5, A-7 and A-9 is established which is consistent with the medical evidence. The High Court was, thus, justified on convicting the said accused. We do not find any ground to interfere with the conviction and sentence which is affirmed.

We, however, find that that there is no reliable evidence to uphold conviction of A-1, A-2, A-3 and A-8. A-8 viz. Ram babu has not filed appeal in this Court. However, the said accused are entitled to benefit of the doubts. Their conviction and sentence are set aside and they are acquitted.

We find from the record that Accused No.4 viz. Surat Singh was mentioned to be of about 95 years old. If he is still alive, though we have upheld the conviction and sentence, we direct that having regard to his advanced age, his case for remission be considered within a period of three months.

Accused Prem Singh, Hira Lal and Bhanbari are on bail. The bail bonds of A-1 viz. Prem Singh and A-3 viz. Hira Lal Singh stand discharged. The bail bonds of A-7 viz. Banbari are cancelled and he is directed to surrender within a period of one month from today to undergo the remaining part of the sentence.

The appeals are disposed of in above terms.

Pending application(s), if any, shall also stand disposed.

We place on record our appreciation for Ms. Saloni Tangri, Advocate, for assisting the Court.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
8TH FEBRUARY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.124

COURT NO.11

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). 152/2009

HIRA SINGH & ANR.

Appellant(s)

VERSUS

STATE OF M.P.

Respondent(s)

(With office report)

WITH

Cr1.A. No. 1753/2009

(With appln.(s) for directions and Office Report)

Cr1.A. No. 461/2008

(With Office Report)

Date : 08/02/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mrs. Santosh Singh,Adv.

Mr. Avinash Kr. Lakhanpal,Adv.

For Respondent(s) Ms. Saloni Tangri,Adv.

Mr. C. D. Singh,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard learned counsel for the parties and perused the relevant record.

The appeals are disposed of in terms of the signed order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master