

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S). 504 OF 2013

SANJEEV KUMAR CHOPRA **...APPELLANT(S)**

VERSUS

STATE OF PUNJAB **...RESPONDENT(S)**

ORDER

1. By the impugned judgment the conviction of the accused appellant under Section 458/459/460 IPC recorded and sentence of rigorous imprisonment for ten (10) years imposed by the learned trial Court has been affirmed by the High Court.

2. We have heard the learned counsels for the parties and have considered the materials on record. Gurdeep Kaur (P.W.2) appears to be the star witness of the prosecution. She has deposed with regard to the identification made by her of the accused persons at the time of occurrence and also had identified golden ornaments, wrist watch and other items which were involved in the crime as belonging to her.

3. An argument has been advanced by the learned counsel for the appellant that P.W. 2 had not stated in her statement under Section 161 Cr.P.C. that she had known the accused from before, the evidence of P.W. 2 is otherwise. While cross-examining DSP Sandeep Sharma (P.W. 12- Investigating Officer) the defence did not contradict the aforesaid part of the evidence with reference to the previous statement in writing i.e. the statement recorded under Section 161 Cr.P.C. To discredit a prosecution witness with reference to the previous statement made in writing the requirement under Section 145 of the Evidence Act, 1872 has to be followed. The cross-examination of P.W. 12 does not indicate that the attention of the witnesses was specifically drawn to any part of the previous statement recorded by him under Section 161 Cr.P.C. much less bringing on record that part of the statement by exhibiting the same.

4. Insofar as the identification of the articles involved in the crime is concerned, P.W.- 2 is clear and categorical in identifying certain gold items and also an old lady's wrist watch to be belonging to her.

5. In view of the categorical identification made by P.W. 2 the argument advanced on behalf of the accused appellant that the recovered jewelry items and other items are common items which could be found in any household cannot be readily accepted. Having regard to the normal course of human conduct, P.W. 2, who was aged about 72 years at the relevant point of time, cannot be disbelieved on the point of identification of gold jewelry and an old lady's wrist watch as belonging to her as she had claimed in her deposition.

6. The prosecution has succeeded in establishing the identity of the accused as being involved in the crime and the proceeds of the crime have been identified as belonging to P.W.2. We will, therefore, have to hold that the prosecution has succeeded in bringing home the charges levelled. The appeal, therefore, is without any merit and is liable to be dismissed which we hereby do. The conviction as well as sentence imposed is accordingly affirmed.

7. We have noticed from the materials available before us that the accused has undergone the sentence imposed. He is, therefore, entitled to be released from custody if not otherwise released in the meantime.

8. The appeal is disposed of with the aforesaid observations.

....., J.
(RANJAN GOGOI)

....., J.
(R. BANUMATHI)

....., J.
(NAVIN SINHA)

NEW DELHI
AUGUST 01, 2018

ITEM NO.104

COURT NO.2

SECTION II-B

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

C R I M I N A L A P P E A L N O (S) . 5 0 4 / 2 0 1 3

SANJEEV KUMAR CHOPRA

APPELLANT(S)

VERSUS

STATE OF PUNJAB

RESPONDENT(S)

WITH

SLP(CRL) NO. 6103/2013 (II-B)
(FOR GRANT OF BAIL ON IA 15392/2013)

Date : 01-08-2018 These cases were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Mr. D.K. Bhatti, Adv.
Mr. Neeraj Srivastava, Adv.
Mr. P.K. Mohapatra, Adv.
Mr. J.N. Singh, Adv.
Mr. Vinay Puri, Adv.
Mr. Piyush Gill, Adv.
Mr. Debasis Misra, AOR

Mrs. Kawaljit Kochar, Adv.
Ms. Vasundhra Singh, Adv.
Ms. Kusum Chaudhary, AOR

For Respondent(s)

Ms. Jaspreet Gogia, AOR

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

CRL.A. NO.504/2013 [ITEM NO.104]

The appeal is disposed of in terms of the signed
order.

SLP(CRL) NO.6103 of 2013 [ITEM NO.104.1]

Learned counsel for the petitioners submits that the accused petitioners have undergone the period of sentence and they have since been released from custody. Learned counsel has further submitted that the petitioners would not like to press the present Special Leave Petition on merits. Consequently, the present Special Leave Petition is disposed of as not pressed.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]