

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1622 OF 2008

ZAKIR ANSARI

APPELLANT(S)

VERSUS

STATE OF BIHAR (NOW JHARKHAND)

RESPONDENT(S)

O R D E R

We have heard learned counsel for the parties.

The appellant herein is convicted for the offence under Section 302/34 of the Indian Penal Code ("IPC") and is sentenced to life imprisonment by the trial court. The said sentence has been affirmed by the High Court in appeal vide impugned judgment dated 17.05.2006.

The appellant was charged for the aforesaid offence along with one more accused person. The allegation was that both these accused persons killed Farid Ansari, husband of PW-5, Fatima Khatoon. Fatima Khatoon appeared as PW-5 and deposed to the fact that the murder had taken place in her presence. She had stated that on 18.06.1998 at 10:00 p.m. her husband (the deceased) was sitting in his house and he being a native doctor was treating a patient. She was also sitting in the courtyard. One Majo Khatoon, the

neighbour, was also present in the house. The appellant along with one other accused person armed with knives in their hands reached there. They inflicted cut injury and stab injury on the deceased. The deceased fell down. PW-5 raised alarm. When PWs 2, 3, 4 and 6 reached the place, the appellant along with the other accused person went away. On examination, the Doctor found Farid Ansari dead. On the next day, Fardbayan was given by PW-5, which was registered as a crime and investigation was conducted by PW-10, Ramesh Kumar Singh.

On going through the record, we find that one Dr. Tulsi Mahto conducted autopsy on the dead body of Farid Ansari and submitted his post-mortem report. He appeared as PW-7 and testified the aforesaid fact. Various injuries caused to Farid Ansari by knife have been stated by PW-7, in his deposition, were ante-mortem in nature. It is also stated by PW-7 that Farid Ansari died because of the aforesaid injuries. We also find that the trial court as well as the High Court have gone into the deposition of PW-5 in detail and found that her testimony was unshaken and credible and she was an eyewitness who had seen the entire occurrence. The two accused persons were convicted on that basis.

The only argument raised by the appellant

before the High Court was that the knife (Chhura) which was allegedly recovered on search was not produced in evidence before the Court. However, the High Court has relied upon the testimonies of PW-7 and PW-5 which have been believed by the courts below and once the conviction is based on the basis of the testimonies of the aforesaid eyewitnesses, we do not find any reason to disagree with the view taken by the High Court in the impugned judgment.

The appeal is, accordingly, dismissed. It is stated that the appellant has already undergone more than 18 years of incarceration. If that be so, it would be permissible for him to move a representation for remission of further sentence and once that is made to the competent authority the same shall be decided within a period of three months.

.....J.  
(A.K. SIKRI)

.....J.  
(ASHOK BHUSHAN)

NEW DELHI,  
OCTOBER 10, 2018

ITEM NO.101

COURT NO.4

SECTION II-A

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). 1622/2008

ZAKIR ANSARI

Appellant(s)

VERSUS

STATE OF BIHAR (NOW JHARKHAND)

Respondent(s)

Date : 10-10-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s)      Ms. Aishwarya Bhati, Adv.  
                                 Ms. Chitragada Rashtervada, Adv.  
                                 Ms. Vaidruti Mishra, Adv.  
                                 Mr. Damodar Solanki, Adv.  
                                 Mr. Gp. Capt. Karan Singh Bhati, AOR

For Respondent(s)      Mr. Ratan Kumar Choudhuri, AOR

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

The appeal is dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(SUSHIL KUMAR RAKHEJA)  
AR-CUM-PS

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed order is placed on the file.)