

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 66 OF 2011

STATE OF MADHYA PRADESH

...Appellant(s)

Versus

NARAIN SINGH AND OTHERS

...Respondent(s)

WITH

CRIMINAL APPEAL NO. 103 OF 2011

STATE OF MADHYA PRADESH

...Appellant(s)

Versus

ABHAY SINGH AND OTHERS

...Respondent(s)

ORDER

We have heard learned counsel for the parties.

Criminal Appeal No. 66 of 2011, by special leave, is directed against the judgment and order dated 8.8.2005 passed by the High Court of Madhya Pradesh at Jabalpur, Gwalior Bench in Criminal Appeal No. 273 of 1991, whereby the High Court allowed the appeal preferred by the accused against the order of conviction and sentence passed by the trial court and, in Criminal Appeal No. 256 of 1992 dismissed the appeal preferred by the State.

Whereas Criminal Appeal No. 103 of 2011, by special leave, is directed against the judgment and order dated 8.8.2005 passed by the High

Court of Madhya Pradesh at Jabalpur, Gwalior Bench in Criminal Appeal No.239 of 1991 whereby the High Court allowed the appeal filed by the accused and set aside the trial court's order of conviction.

We propose to deal with both the appeals by this common order.

Brief reference to the facts may be necessary for the disposal of this case. On 11/10/1983 at about 7:00 a.m. there was an alleged free fight between two groups because of taking away of Man Singh's sister. In the fight, casualties were sustained on both sides in form of death of Daulatsingh and Jhabbu @ Jhabua. The High Court, while acquitting both the accused (respondent), has come to a right conclusion that there are material contradictions in the statements of key witnesses. Moreover the High Court observed that the prosecution had failed to adduce credible evidence to prove the specific role of the accused herein.

After hearing learned counsel for the parties and also having perused the material placed before us, we are of the opinion that the High Court, in Appeal No. 239/1991, has rightly interfered and set aside conviction of Abhay Singh and other accused persons. It being a free fight, there is no clear evidence on who caused the injury.

For the same reason, the High Court was also right in setting aside the conviction of appellant Narain in Criminal Appeal No. 273/91; and in upholding the acquittal of the other accused persons in Criminal Appeal No. 256/92.

In view of the above, we see no reason to interfere in these appeals.
The aforesaid appeals are, accordingly, dismissed.

.....J
(**N.V RAMANA**)

.....J
(**PRAFULLA C. PANT**)

New Delhi
19th July, 2017

ITEM NO.108

COURT NO.9

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). 66/2011

STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

NARAIN SINGH & ORS.

Respondent(s)

WITH

Crl.A. No. 103/2011 (II-A)

Date : 19-07-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. Mishra Saurabh, AOR

For Respondent(s)

Mr. Suryanarayana Singh, Adv.

Ms. Pragati Neekhra, AOR

Mr. Lakhan Singh Chauhan, Adv.

For Dr. Kailash Chand, AOR

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

These appeals are dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

(SUKHBIR PAUL KAUR)
AR CUM PS(S. SIVARAMAKRISHNA)
ASST.REGISTRAR

(Signed order is placed on the file)