

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.611/2015

PANCHA MANDAL @ PANCHA NAND MANDAL

Appellant(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

O R D E R

We have heard the learned counsels appearing for the appellant – accused and the sole respondent – State of Bihar at length today.

This appeal is filed against the Judgment of the High Court of Patna whereby the said Court confirmed the conviction of the accused – appellant herein, along with six others, under Sections 302, 149, 201, 148 of the Indian Penal Code and Section 27 of the Arms Act, and sentenced them to undergo life imprisonment.

It is pertinent to note that only Accused No. 2 has preferred this present appeal. As far as Accused No.3 is concerned, his Special Leave Petition was rejected by this Court. We are informed by the learned counsel that Accused Nos. 1 and 4 have died, Accused No. 6 is absconding and Accused No. 7 is in jail.

The main contention of the learned counsel for the appellant in this case is that there is no specific role attributed by the prosecution and it has failed to prove the case against the appellant. Learned counsel submitted that the prosecution witnesses only made general statements regarding the presence of the accused

at the place of the accident, and the same cannot be the sole consideration for convicting the accused. The learned counsel further submitted that there are contradictions in the evidences of the witnesses about the arms and specific overt acts of the other accused and, therefore, their evidence cannot be relied upon.

On the other hand, learned counsel appearing for the State of Bihar, supported the concurrent findings of the Trial Court and the High Court and submitted that they do not merit any interference by this Court.

After hearing the learned counsels for the parties, it is clear from the evidence of the witnesses, particularly PW1 to PW6, that they saw the appellant armed with a pistol, breaking open the door of Karu and then dragging the deceased from the house of Karu to the house of Harminder (co-accused). The witnesses further stated that they also saw the appellant catch hold of the deceased while the other accused shot the deceased and cut his neck.

The consistent evidence of the witnesses unequivocally indicates the presence and participation of the appellant in the incident.

Taking into consideration the said fact, the Trial Court and the High Court have rightly convicted the accused. Minor discrepancies in the testimony of the witnesses regarding the other accused cannot come to the rescue of the appellant for his acquittal.

Accordingly, we see no reason to interfere with the well-considered judgments of the Trial Court and the High Court. The present appeal is accordingly dismissed.

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

.....J  
(MOHAN M. SHANTANAGUDAR)

.....J  
(AJAY RASTOGI)

NEW DELHI;  
24TH JULY, 2019.

ITEM NO.102

COURT NO.3

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

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Date : 24-07-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGODAR  
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Mr. Jay Kishor Singh, AOR

For Respondent(s)

Mr. Keshav Mohan, Adv.  
Mr. Santosh Kumar - I, 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.

(VISHAL ANAND)  
COURT MASTER (SH)

(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

(Signed Order is placed on the file)