

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 354 OF 2000

STATE OF HARYANA

Appellant (s)

VERSUS

PARDEEP KUMAR

Respondent(s)

(With office report)

Date: 08/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Manjeet Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr.T.V.George, Adv.

For Respondent(s)

Mrs K.Sharda Devi, Adv. (A.C.)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed, impugned judgment of acquittal rendered by the High Court is set aside and the judgment of conviction recorded by the trial Court is restored. Bail bonds of the respondent, who is on bail, are cancelled and he is directed to be taken into custody forthwith to serve out the remaining period of sentence.

[Om Prakash]

[Charanjeet Kaur]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 354 OF 2000

State of Haryana

.. Appellant(s)

Versus

Pardeep Kumar

.. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The respondent was convicted by the trial Court under Section 307 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of five years. On appeal being preferred, the High Court acquitted the respondent of the charge. Hence, this appeal by special leave by the State of Haryana. The allegation against the respondent was that he inflicted injury with knife on the chest of Surender Singh (P.W.2) and the occurrence was witnessed by Uttam Singh (P.W.3). P.W. 2 gave information to the police and he was examined by the doctor who found injury on the chest of this witness and the same in the opinion of the doctor was

found dangerous to life. We have gone through the evidence of P.W.

2 who has consistently supported the prosecution case. The

evidence of P.W. 2 is

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corroborated by the testimony of P.W.3. who was named as eye

witness in the first information report itself and this witness has

consistently supported the prosecution case of inflicting injury by the

respondent upon P.W.2. The trial Court was quite justified in

convicting the respondent and the High Court has committed an

error in recording his acquittal after disbelieving P.W. 3 on the

ground that several cases were pending against him which could not

have been the ground to disbelieve the evidence of this witness,

especially when his evidence is otherwise credible and supported by

the medical evidence. For the foregoing reasons, the judgment of the

High Court suffers from the vice of perversity and liable to be set

aside on this ground alone.

The appeal is, accordingly, allowed, impugned judgment of

acquittal rendered by the High Court is set aside and the judgment of

conviction recorded by the trial Court is restored. Bail bonds of the

respondent, who is on bail, are cancelled and he is directed to be

taken into custody forthwith to serve out the remaining period of

sentence.

.....J

[B.N. AGRAWAL]

.....J

[A.K. MATHUR]

NEW DELHI ,

MARCH 08 , 2006 .