

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). 771 OF 2004

MANOHAR SINGH

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With office report)

Date: 25/07/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s)

Mr. K Radha Krishnan, Sr. Adv.

Mr. T.N. Singh, Adv.

For Respondent(s)

Mr. Sanjay V Kharde, Adv.

Mr. V.N. Raghupathy, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Appeal fails and the same is dismissed.

[ Charanjeet Kaur ]

[ Phoolan Wati Arora

Court Master

Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 771 OF 2004

Manohar Singh .. Appellant(s)  
Versus  
State of Maharashtra .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The sole appellant was convicted by trial Court under Section 302 of the Indian Penal Code (for short, IPC) and sentenced to death and pay a fine of Rs. 1,000/-, in default to undergo rigorous imprisonment for a period of six months. He was further convicted under Section 201, IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 1,000/-, in default to undergo further imprisonment for a period of six months. On appeal being preferred, the High Court upheld conviction but commuted the sentence of death into life imprisonment. The sentence awarded under Section 201, IPC, however, has been confirmed. Hence, this appeal by special leave.

In the present case, conviction of the appellant is based upon evidence of Kishor (P.W.3) who claims to be an eye-witness to the occurrence. We have been taken through his evidence and we find that there is nothing in his evidence to discard his sworn testimony, especially, when his evidence is supported by medical evidence as doctor has found injuries inflicted by weapon as disclosed by this witness. The evidence of this witness is further corroborated by the evidence of his father Raghuvirsingh (P.W.12) who stated that this witness immediately after occurrence informed him. This witness could not be shaken during the course of examination. Apart from this, the evidence of Kishor (P.W.3) is further corroborated by the evidence of Vasanta (P.W. 15), husband of the deceased Vimal, who has also stated that this witness disclosed about the occurrence before him. Apart from the ocular version, there is extra-judicial confession of the accused said to have been made before Shankarlal Yadav (P.W.5) sometime after the occurrence wherein he orally admitted his guilt. Nothing could be shown to discard the evidence of this witness. Thus, the evidence of Kishor (P.W.3) is not only supported by medical evidence and other witnesses

referred to above but by extra-judicial confession of the accused made before Shankarlal Yadav (P.W.5). This being the position, we are of the view that prosecution has succeeded in proving its case beyond reasonable doubt and the High Court has not committed any error in upholding conviction of the appellant.

Accordingly, appeal fails and the same is dismissed.

.....J  
[ B.N. AGRAWAL ]

.....J  
[ P.P. NAOLEKAR ]

.....J  
[ D.K. JAIN ]

NEW DELHI,  
JULY 25, 2006.