

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 935 OF 2007

STATE OF HARYANA APPELLANT(S)	
VERSUS		
RATI RAM & ORS. RESPONDENT(S)	

WITH
CRIMINAL APPEAL NO. 341 OF 2008

O R D E R

Criminal Appeal No. 935 of 2007 has been filed by the State of Haryana against the judgment dated May 18, 2006 passed by the Punjab and Haryana High Court by which it confirmed the order of acquittal passed by the trial court against Rati Ram and nine others (respondents herein) for the offence under Section 302 of the Indian Penal Code, 1860.

Criminal Appeal No. 341 of 2008 has been filed by the parents of the deceased challenging the order of acquittal. Since similar issues have come up for consideration, we are disposed of both the appeals by this common order.

The prosecution case is as follows:

On October 15, 2000, Attar Singh (PW-3) and his son Mukesh (the deceased) were coming back to their house in village Baldi and when they reached near the fields of Amar Singh at about 6.00 p.m., he met one Ram Pal and all of them together proceeded further towards their village. While so, Rati Ram (respondent No.1) came from the side of the fields and raised lalkara that son of PW-3 had come so that they could take revenge. Eight accused persons, along with Rati Ram, armed with lathi, knife, iron rods, etc. intercepted

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them. Ramesh gave a lathi blow on the head of the deceased and all the accused had attacked him. PW-3 tried to rescue his son. After inflicting the injuries, the accused persons left the scene of occurrence. PW-3 then filed the FIR on October 16, 2000 and a case was registered against the accused persons under Sections 302, 307, 148, 149, 212, 216, 324 and 325 of the Indian Penal Code, 1860 at P.S. Sadar Karnal. The accused pleaded not guilty and claimed trial.

The prosecution examined PW-1 to PW-13.

We are informed that the occurrence had taken place at about 6.00 p.m. on October 15, 2000. Rather than taking the injured person to the hospital, he was taken to the house where they remained upto 7.30 to 7.45 p.m. and then he was taken to the General Hospital, Karnal. Further, it is the case of prosecution that the deceased was attacked by eight persons by lathis, knives and iron rods, but only one injury on his head was noticed and all other injuries were minor abrasions. Details of the injuries given by the medico-legal report produced at the first instance defer from the details given in the post-mortem report. The Doctor who conducted the post-mortem stated that 14 injuries were found on the body, whereas the medico-legal report contained only six injuries. Dr. Arora (PW-1) has categorically stated that he had properly examined the deceased.

Prosecution could not offer any explanation regarding the inconsistency on the number of injuries noted in the post-mortem report as well as the medico-legal report. Further, it is also relevant to note that the case of the prosecution is that the deceased was taken to the hospital by his father Attar Singh, but he was not examined at the trial.

All the above infirmities, according to the trial court and the High Court, caused a dent in the prosecution

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story that Rati Ram and other eight persons had attacked the deceased.

As a consequence, we find no reason to upset the concurrent findings reached by the courts below. The appeals lack merit and are dismissed accordingly.

.....J.
(K.S. RADHAKRISHNAN)

.....J.
(DIPAK MISRA)

NEW DELHI,
MAY 03, 2013.

ITEM NO.109

COURT NO.9

SECTION IIB

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). 935 OF 2007

STATE OF HARYANA

Appellant (s)

VERSUS

RATI RAM & ORS.

Respondent(s)

WITH
CRIMINAL APPEAL NO. 341 OF 2008
(With office report)

Date: 03/05/2013 These Appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRA

For Appellant(s)
Mr. Manjit Singh, AAG
Mr. Vikas Sharma, Adv.
Mr. Kamal Mohan Gupta, Adv. (NP)

Mr. Balbir Singh Gupta, Adv. (NP)

For Respondent(s)
Mr. Mukesh Sharma, Adv.

for Mr. Rameshwar Prasad Goyal, Adv.

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

The appeals are dismissed.

| (N.S.K. Kamesh)

| | (Renuka Sadana)

|
| Court Master

| | Court Master

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(signed order is placed on the file)