

1)

Cr1.A.No. 1019 OF 2000
ITEM NO.103

COURT NO.8

SEC -IIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.1019 OF 2000@@
BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB

Deo Shankar Singh Appellant(s)

VERSUS

State of Bihar Respondent(s)

(With appln.(s) for exemption from filing O.T. and with office report)

DATE : 10-4-2002: This matter was called on for hearing today.@@
BB

CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Appellant(s): Dr. Nafis A. Siddiqui, Adv.(A.C.)

For Respondent(s): Mr. Saket Singh, Adv. for
Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.
.SP2

Dr. Nafis A. Siddiqui, learned counsel appearing for the appellant stated his arguments at 11.45 a.m. and concluded at 12.05 p.m.

The appeal is dismissed in terms of the signed order.

.SP1

(R.K. Dhawan)
Court Master

(D.D. Jindal)
Assistant Registrar

(Signed order is placed on the file)

~

.PA

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1019 OF 2000@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Deo Shankar Singh

Appellant(s)

versus

State of Bihar

Respondent(s)

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

This appeal, directed against the judgment of a Division Bench of the High Court at Patna relates to an order of the 7th Additional Sessions Judge, Munger in S.T. No.280 of 1993 passed on 8th May, 1995. The trial court convicted the appellant under Section 302 of the Indian Penal Code for committing murder of one Sudhir Singh and sentenced him to imprisonment for life.

According to the prosecution story, at the time of occurrence, the nephew of the informant, namely, Sudhir Singh was talking to his 'Sala' (brother-in-law) at the bungalow of the family and at that juncture, the informant was feeding his buffalo. In the meanwhile, both father and son came there using abusive language and enquired from Sudhir Singh as to why he had assaulted a child of their family. The informant then intervened and asked them not to behave in the manner which, however,2/-

.PA

-2-

prompted Radhey Singh to ask his son Deoshankar Singh, to kill them and it is thereupon Deoshankar Singh, the appellant herein, fired with a pistol and the bullet hit Sudhir Singh who fell down on sustaining injury and died. The medical evidence as is available on record lend credence to the ocular testimony of the prosecution witnesses. The doctor was clearly of the opinion that the death was caused due to shock and haemorrhage as a result of the injuries caused to the victim by fire-arm and the injury was sufficient in the ordinary course to cause death. Incidentally, the doctor who conducted the post mortem examination though examined but no serious cross examination, however, had taken place. The trial court dealt with the matter in extenso, including the evidence of DW-1 Vijay Kumar Singh, who tried to support the defence version of total mistaken identity and thus false implication. Both the courts below, however, disbelieved such statements and we do feel it expedient to record that under Article 136 of the Constitution, we are unable to record a contra view by reason of there being no element of perversity on the state of evidence available on record.

On the wake of the aforesaid, we are not inclined to interfere with the findings of the trial court as also ...3/-

.PA

-3-

that of the High Court and the judgment cannot be faulted in any way whatsoever. This appeal, therefore, fails and dismissed.

.SP1

.....J.
(U.C.BANERJEE)

.....J.
(Y.K. SABHARWAL)

New Delhi,
April 10, 2002