

E

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.678 OF 2011

KEWAL SINGH APPELLANT
STATE OF PUNJAB VERSUS RESPONDENT

O R D E R

The appellant aggrieved by his conviction under section 302 of the Indian Penal Code (for short the 'IPC') and sentence of imprisonment for life and fine of Rs.1,000/- with default clause, is before us with the leave of the Court.

According to the prosecution, the deceased Narinder Kaur was married to this appellant about five years before the date of occurrence. They were blessed with one male issue. The appellant was working at Bhopal as a Welder and at the time of marriage, PW-2 Ajit Singh father of the deceased did not give any dowry to the appellant. About 1= months before the occurrence, the appellant had come to his village Khela from Bhopal and he asked his wife to bring dowry as no dowry was given at the time of marriage. The deceased wife went to her paternal house and disclosed the demand made by her husband, whereupon her father PW-2 and brother PW-3 Mangal Singh decided to give household articles to the appellant. She returned to her matrimonial home with assurance from her father and brother that the articles shall be sent in a couple of days. Thereafter, household articles, such as double-bed, chairs, table, box, utensils and clothes were purchased and transported to the appellant's house. At that time, the appellant demanded from PW-3 his brother-in-law a sum of Rs.10,000/- as he intended to add some rooms in the existing house. When informed, PW-2 Ajit Singh procured Rs.4,000/- and he along with his son PW-3 Mangal Singh went to the house of the appellant at village Khela on 20.04.1996. They took meal at his residence and as the sun had set, they did not return to their home. The appellant and his wife went to sleep in a room, while the father and the brother of the deceased slept in the courtyard. At about 12.30 a.m. (mid night), on hearing the screams of the deceased, they got up and knocked the door of the room of the appellant but the same was not opened. PW-3 Mangal Singh pushed the window which opened and both of them saw the appellant giving electric shock to his wife. They raised alarm but the appellant did not open the door and strangulated her with his turban. While the father, his son and the neighbours were raising alarm, the appellant opened the door and ran away from the place of occurrence. Both of them went inside the room and found Narinder Kaur dead.

In the morning, PW-2 Ajit Singh went to the police station to lodge the report leaving his son PW-3 Mangal Singh to guard the dead body. In the way to the police station, PW-6 Narinder Singh, Sub-Inspector of Police, met him and he gave his statement and on that basis the First Information Report was registered.

The trial court and the High Court accepting the claim of PW-2 Ajit Singh and PW-3 Mangal Singh to be the eye-witnesses of the occurrence and their evidence having being supported by the evidence of PW-1 Dr. Harpoonam who had conducted the post-mortem examination, held that the prosecution has been able to prove its case beyond all reasonable doubt.

We have heard Mr. Abhishek, learned counsel for the appellant and Mr. Jayant K. Sud, learned Additional Advocate General for the

respondent-State.

Mr. Abhishek submits that the testimony of PW-2 Ajit Singh and PW-3 Mangal Singh is not fit to be accepted. He further submits that their conduct is absolutely unnatural. In this connection, he points out that according to the prosecution they had seen the appellant strangulating the deceased but have made no attempt to break open the door of the room to save the deceased.

Mr. Sud, however, submits that these two witnesses raised alarm and before they could enter into the room the appellant opened the door and left the place of occurrence and hence their conduct cannot be said to be unnatural.

We have considered the rival submissions and we do not find any substance in the submission of Mr. Abhishek. As stated earlier, PW-2 Ajit Singh and PW-3 Mangal Singh have consistently stated in their evidence that they saw the appellant giving electric shock to the deceased and thereafter, strangulated her to death. Further, after they raised alarm as also the neighbours, appellant opened the door and ran away from the place of occurrence. We do not find anything unnatural in the conduct of these two witnesses.

PW-2 Ajit Singh and PW-3 Mangal Singh have clearly stated in their evidence that it was the appellant who gave the electric shock to the deceased and further strangulated her to death. PW-1 Dr. Harpoonam who had conducted the post-mortem examination has corroborated their evidence. He has found blisters on the body of the deceased which in his opinion was caused due to the electric shock. Not only that he has also stated that the deceased died of asphyxia as a result of strangulation and ruled out the possibility of suicide. There is no cross-examination of these two witnesses on the aforesaid point. Hence, we find that the evidence of PW-2 Ajit Singh and PW-3 Mangal Singh is corroborated by the evidence of PW-1 Dr. Harpoonam and there is no reason to disbelieve their evidence.

Not only this, PW-2 Ajit Singh and PW-3 Mangal Singh have stated that the deceased and the appellant went to sleep in the room and they slept in the courtyard. The dead body of the deceased was found in the room. There is no cross-examination of these two witnesses on this point. The deceased was none other than the wife of the appellant and he owed an explanation as to how his wife has died. No explanation has been offered by the appellant in this regard.

We are of the opinion that the prosecution has been able to prove its case beyond all reasonable doubt.

In the result, we find no merit in this appeal and it is dismissed accordingly.

.....J
[CHANDRAMAULI KR. PRASAD]

.....J
[JAGDISH SINGH KHEHAR]

NEW DELHI;
DECEMBER 12, 2013.

ITEM NO.103

COURT NO.8

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.678 OF 2011

KEWAL SINGH

Appellant (s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for bail)

Date: 12/12/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Mr. Abhishek, Adv.

For Mr. Ambar Qamaruddin, Adv.

For Respondent(s) Mr. Jayant K. Sud, AAG (Punjab)
Mr. Ujas Kumar, Adv.
Mr. Chirag Khurana, Adv.
Mr. Vishal Dabas, Adv.
For Mr. Kuldip Singh, Adv.

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

The appeal is dismissed in terms of the signed order.

| (Sanjay Kumar) Court Master | (Indu Satija) |
| | Assistant Registrar | |

(Signed order is placed on the file)