

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO 1647 of 2013

The State of Madhya Pradesh

... Appellant

Versus

Juggan @ Sabir Khan

... Respondent

O R D E R

- 1 This appeal is at the instance of the State of Madhya Pradesh and is directed against the judgment and order passed by the High Court of Madhya Pradesh at Gwalior dated 11th November, 2010 in Criminal Appeal No. 549 of 2002 by which the appeal filed by the respondent herein (convict) against the judgment and order of conviction passed by the Trial Court came to be allowed and the convict was ordered to be acquitted of all the charges.
- 2 We take notice of the fact that the respondent No.1 (original accused) was put to trial in the Court of the Additional Sessions Judge Gohad, District Bhind in Sessions Trial No 43 of 2000 for the offence punishable under Sections 302 and 304-B respectively of the Indian Penal Code, 1860.
- 3 The charge against the original accused was that within three months of marriage, he killed his wife for want of dowry. At the end of the trial, the Trial Court acquitted the accused of the offence punishable under Section 304-B but held him guilty for the offence of murder and sentenced him to undergo life imprisonment.

- 4 In appeal before the High Court, the accused came to be acquitted of all charges.
- 5 It appears from the record that two dying declarations of the deceased were recorded. The High Court, while allowing the appeal of the accused, took notice of the discrepancies between the two dying declarations. Besides the same, the High Court also took notice of the fact that Dr Dinesh Doshi who had recorded the dying declaration (Exhibit P/19) was not examined by the prosecution. The High Court seems to have also recorded in its impugned judgment that a close scrutiny of the evidence of Dr. Kanti Batham (PW-12) raises a big question as regards the authenticity of the dying declaration (Exhibit P/19).
- 6 The High Court, thereafter, looked into the second dying declaration which was recorded on the next date, i.e., 22nd May, 1999 (Exhibit P/11). This dying declaration (Exhibit P/11) was recorded by ASI Lakhan Singh Sharma who came to be examined by the prosecution as (PW-8). The High Court noticed that in this particular dying declaration, the factum of injuries being suffered on account of a lamp was missing. Having regard to the overall evidence on record, the High Court thought fit to give the benefit of doubt to the accused and accordingly acquitted him of all the charges.
- 7 We have heard Mr. Nachiketa Joshi, the learned Additional Advocate General for the State of Madhya Pradesh. Mr. Joshi has manifold contentions to raise as regards the legality and validity of the impugned judgment of the High Court. We have also heard Mr. N.K. Mody, the learned senior counsel appearing for the respondent No. 1 (original accused).

8 In the overall view of the matter, we are convinced that we should not interfere with the judgment and order of acquittal passed by the High Court. Even otherwise, we take notice of the fact that before the original accused came to be acquitted by the High Court, he had undergone almost 11 years of sentence. The incident is of the year 1999.

9 In view of the aforesaid, this appeal is dismissed.

10. Pending applications, if any, stand disposed of.

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
October 03, 2024
GKA

ITEM NO.106

COURT NO.10

SECTION II-A

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). 1647/2013

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

JUGGAN @ SABIR KHAN

Respondent(s)

Date : 03-10-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Mr. Nachiketa Joshi, A.A.G.
Mr. Yashraj Singh Bundela, AOR
Mr. Surjeet Singh, Adv.
Mr. Chanakya Baruah, Adv.
Ms. Saloni, Adv.
Mr. Rohan Singla, Adv.

For Respondent(s) Mr. N.K. Mody, Sr. Adv.
Ms. Ishita M Puranik, Adv.
Ms. Jigisha Agarwal, Adv.
Mr. Suresh Kumar Bhan, Adv.
Mr. Diwakar Shukla, Adv.
Mr. Praveen Swarup, AOR

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

- 1 The appeal is dismissed in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS**(SAROJ KUMARI GAUR)**
ASSISTANT REGISTRAR**(Signed order is placed on the file)**