

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1175 OF 2010

KUNDAN SINGH

... APPELLANT(S)

VERSUS

STATE OF RAJASTHAN

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Our attention was drawn to impugned judgment and order to show the correctness of the findings on guilt. The appellate court, at the instance of the appellant, has re-examined the whole case taking into consideration all the legal contentions including extra judicial confessions under Section 27 of the Evidence Act, which should not have been placed reliance upon, by the trial court and there is no

evidence who has witnessed the occurrence. Therefore, the finding recorded by the trial court ought to have been set aside by the appellate court in exercise of its appellate jurisdiction holding that the prosecution has failed to prove its case beyond reasonable doubt. Learned counsel for the appellant has also placed reliance on the judgment of this Court passed in the case of Baskaran v. State of Tamil Nadu, (2014) 5 SCC 765.

We have very carefully examined the impugned judgment and order. The High Court after adverting rival legal contentions, evidence of the prosecution witnesses reconsidered and adverted to at Paragraph Nos. 5 to 7 and considering the law laid down on the question with regard to the extra judicial confession, which is not voluntarily made to the police as it was made in the presence of the police and the relatives, who are having no animus with the accused-appellant, coupled with the circumstances of evidence of his own brother Fateh Singh, PW-4 and added to that, the evidence of his brother-in-law, Gopal Singh, PW-2, the High Court has rightly arrived at its conclusion and concurred with the finding of guilt. Further, the

reliance placed on the case of Baskaran (supra) is not applicable to the facts and circumstances of the case.

In view of above, we do not find any good reason to interfere with the impugned judgment and order. Accordingly, the appeal is dismissed.

.....J.
(V. GOPALA GOWDA)

.....J.
(R.K. AGRAWAL)

NEW DELHI,
JANUARY 14, 2016

ITEM NO.106

COURT NO.10

SECTION II

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). 1175/2010

KUNDAN SINGH

Appellant(s)

VERSUS

STATE OF RAJASTHAN

Respondent(s)

Date : 14/01/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s)

Mr. Dushyant Parashar,Adv.

For Respondent(s)

Mr. Yugandhara Jha, Adv.
Mr. Prasanna Mohan, Adv.
Mr. Kunal Verma, Adv.
Keki Vajpei, Adv.

Ms. Ruchi Kohli,Adv.

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

The appeal is dismissed in terms of the signed
order.

(VINOD KUMAR)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)