

## IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 276 OF 2008

SUKHDEV SINGH

... APPELLANT(S)

VERSUS

STATE OF RAJASTHAN

... RESPONDENT(S)

## O R D E R

The appellant, aggrieved by his conviction under Section 302, 380 and 404 of the Indian Penal Code ("IPC" for short) and sentence of imprisonment for life, rigorous imprisonment for three years and rigorous imprisonment for one year respectively along with fine with default clause, is before us with the leave of the Court.

It is the case of the prosecution that on receiving an information that a dead body of an elderly lady is lying in a room of forest outpost, PW-27 Mr. Kesar Singh, Station House Officer reached there. At the spot, PW-28 Chhotu gave information that the dead body lying is that of his wife Jamuna Devi. According to him, he had gone for duty the previous night to Somalpur Nursery and his son PW-11 Pappu had also not in the house. According to him, he returned on 11.06.2000 at about 12 O'Clock and found the gate of the house open and his wife lying on the floor. He tried to wake her up but she did not respond and when he tried to move her, he realised that she is already dead. According to him the Kadiyan (silver anklets) worn by the deceased were missing.

On the basis of the aforesaid information, Civil Lines Police Station Case No. 131 of 2000 dated 11.06.2000 was registered under Section 302 of the IPC. During the course of investigation, it transpired that the appellant entered into the house of the deceased, committed theft of Kadiyan and strangulated the deceased to death.

Police, after usual investigation, submitted the chargesheet and the appellant was committed to the Court of Sessions to face the trial. He denied to have committed any offence and claimed to be tried. He has not offered any explanation in his Statement under Section 313 of the Code of Criminal Procedure and his only plea is that he has falsely been implicated in the case. There is no eye-witnesses to the occurrence and the trial court relying on the circumstantial evidence has held the appellant guilty, as aforesaid. For that purpose, the trial court mainly relied on the evidence of PW-3 Dinesh Garg, PW 7 Heeru Khan, PW-11 Pappu, PW-25 Shalendra Vyas and PW-28 so also the High Court.

Ms. Asha Gopalan Nair, learned counsel appearing on behalf of the appellant, submits that the circumstances proved do not point towards the guilt of the appellant and as such he deserves to be given the benefit of doubt.

On the other hand, Mr. Ram Naresh Yadav, learned counsel appearing on behalf of the respondent-State of Rajasthan,



CORAM :

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

For Appellant(s) Ms. Asha Gopalan Nair, Adv. (A.C.)

For Respondent(s) Mr. Ram Naresh Yadav, Adv.  
for Ms. Pragati Neekhra, Adv.

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

The appeal is dismissed in terms of the signed order.

| (S.K. Rakheja)  
| Court Master

| | (Saroj Saini)  
| | Court Master

|

(Signed order is placed on the file)