

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1009 OF 2010

SURSIYA @ SURSINGH & ORS.

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

1. This appeal has been filed challenging the conviction of the accused-appellants under Sections 147 and 302/149 IPC and the sentence of life imprisonment was imposed.

2. We have perused the judgment under challenge and the evidence of PW-1 (Dr. P.L. Patel) who had conducted the post mortem, PW-2 (Velibai) who is the wife of the deceased, PW-3 (Navadibai) who is the sister-in-law of the deceased and PW-4 (Naharu) who is the brother of the deceased. Pws 2, 3 and 4 are eye-witnesses who had testified

that while two other co-accused (not before this Court) had tied the dhoti of the deceased around his neck and had pulled him from both sides, the accused-appellants had assisted in the commission of offence by felling down the deceased to the ground. The ocular evidence is supported by the medical evidence of PW-1 who had found several injuries on the neck and had given his opinion that death was homicidal and caused by strangulation.

3. The argument of the learned counsel with regard to the role ascribed to the accused-appellants, namely, that they were not responsible for the crime is belied once again by the medical evidence which has found injuries on the legs of the deceased which according to the eye-witnesses were held by the accused-appellants to pin down the deceased.

4. Having regard to the evidence on record which clearly points to the accused-appellants, we can find no error in the judgment of the High

Court. The appeal therefore has to fail and is, accordingly, dismissed. The Order of the High Court confirming the conviction and sentence is upheld.

....., J.
(RANJAN GOGOI)

....., J.
(NAVIN SINHA)

....., J.
(K.M. JOSEPH)

NEW DELHI
SEPTEMBER 27, 2018

ITEM NO.108

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CRIMINAL APPEAL NO.1009 OF 2010

SURSIYA @ SURSINGH & ORS.

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

Date : 27-09-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. P.C. Agarwal, Sr. Adv.
Mr. Ambuj Agarwal, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

For Respondent(s) Ms. Swarupama Chaturvedi, AOR
Mr. B.N. Dubey, Adv.
Ms. Sakshi Kakkar, Adv.
Ms. Devika Gulati, Adv.
Ms. Vaishali Verma, 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.

Pending application(s), if any, shall stand disposed of.

(POOJA ARORA)
COURT MASTER

(ASHA SONI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)