

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). 637-638 OF 2005

RAJU @ NARINDER KUMAR

Appellant (s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With office report)

Date: 25/05/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY
HON'BLE MR. JUSTICE DEEPAK VERMA
(VACATION BENCH)

For Appellant(s)

Mr. Manohar Singh Bakshi(A.C.)
Mr. Lakhbir Singh Bakshi, Adv.
Mr. K.K. Baid, Adv.
Mr. S.S. Dahiya, Adv.

For Respondent(s)

Mr. Kamal Mohan Gupta, Adv.(N.P.)

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

The appeals being devoid of any substance are accordingly
dismissed in terms of the signed order.

(DEEPAK MANSUKHANI)
Court Master

(RENU DIWAN)
Court Master

(The signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 637-638 OF 2005

RAJU @ NARINDER KUMAR

Appellant (s)

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O R D E R

Eve-teasing of the sister of the accused enraged the
Appellant so much that he caused the murder of three persons,

namely, Mahesh Kumar, Krishan Gopal and his mother Shanti Devi
on 17.5.1993 at their respective houses at Ambala. Appellant
had a doubt that his sister was subjected to eve-teasing by
Mahesh Kumar and Krishan Gopal. Thus, with an intention to
teach them lessons, he committed the said gruesome murder of
three persons.

On 17.5.1993, accused Raju @ Narinder firstly came to the
house of Mahesh Kumar, who was at that time sleeping, but was
asked to be woken up. Thus his father PW 4 Shiv Charan and
brother PW 5 Vinod Kumar woke him up. When Mahesh came out of
the house, some discussion between Mahesh and the appellant took
place. Father Shiv Charan PW 4 got little suspicious as

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appellant was insisting Mahesh to accompany him to the ground
where some celebration of Dr. Ambedkar was going on. They went
on a bicycle but PW 4 Shiv Charan asked his other son PW 5 Vinod
to follow them. After travelling at certain distance, PW 5
Vinod saw that his brother Mahesh was given several knife blows
by the Appellant. On account of the said knife blows, Mahesh
fell on the ground. PW 5 Vinod immediately informed his father
PW 4 Shiv Charan of the said incident. Thereafter, appellant
proceeded to the house of Krishan Gopal in the Railway Colony,
Ambala Cant. saying that he had already taught a lesson to
Mahesh and would now teach a lesson to Krishan Gopal. He was
carrying, same knife which was used for the commission of the
said offence.

After reaching the house of Krishan Gopal, he started
giving several knife blows to him in presence of his other
brothers PW 13 Jawala Parshad and PW 14 Anil Kumar. They tried
to intervene but were pushed away by the appellant. Their
mother Smt. Shanti Devi, was cooking meals in the nearby
kitchen, came to intervene, to save her son but she was also

given knife blows on her chest by Appellant damaging her heart and lungs. Thus, in a fit of anger, to take revenge of eve-teasing of his sister, the appellant caused murder of three persons.

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After commission of the said offences, accused ran away on his bicycle along with a knife. Smt. Shanti Devi succumbed to the injuries on her way to hospital, Mahesh Kumar had already died on the spot and Krishan Gopal died in the P.G.I. Hospital, Chandigarh.

Statement of PW 4 Shiv Charan was recorded by PW 15 Sham Singh Head Constable, marked as PL/1. On the basis of the said statement, formal FIR was registered on the same date just after 15 minutes from the time of occurrence of the first incident. The dead bodies of three persons were sent for Post-Mortem, conducted by PW 3 Dr. Smt. Benu Gupta. In the said Post-Mortem Reports, injuries said to have been caused by the knife were found on the vital parts of the bodies. According to Doctor, the injuries could have been caused with the sharp-edged weapon like knife, which was shown to her and were sufficient in the ordinary course of nature to have caused death.

It has also come on record that after commission of the said offence, Appellant also tried to commit suicide by consuming poisonous substance and was admitted in the hospital soon after the incident but was discharged the next day. In fact, he was arrested soon after he was discharged from the hospital. PW 2 Dr. Shashi Tripathi had given the treatment to the Appellant and reported that he had consumed "Aluminium Phosphate" but was not in sufficient quantity, to take his life.

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After completion of the usual investigation, charge-sheet was filed against the Appellant for commission of offence under Section 302 of the IPC on three counts. Appellant pleaded not guilty and prayed for judicial trial. According to him, he was falsely implicated in the case.

On the strength of the evidence available on record, the Trial Court found the appellant guilty for commission of offence under Section 302 IPC and awarded him life imprisonment on three counts.

Feeling aggrieved thereof, the appellant filed Criminal Appeal NO. 349(D.B.) of 1997 in the High Court of Punjab & Haryana at Chandigarh assailing the findings recorded by the Trial Court. The High Court after considering the submissions as advanced by the learned counsel for the appellant vide its judgment dated 26.2.2002 dismissed the appeal and affirmed the judgment and order of conviction of the appellant as recorded by the Trial Court. Hence these appeals on variety of grounds. We have accordingly heard Mr. Manohar Singh Bakshi, learned Amicus Curiae for the appellant at length and perused the record.

Learned counsel for the appellant contended that there was no sufficient and cogent evidence available on record to have found the appellant guilty for commission of the said

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offence. It was also contended that there were serious discrepancies appearing in the evidence of PW 4 Shiv Charan, PW 5 Vinod Kumar, PW 13 Jawala Parshad and PW 14 Anil Kumar and benefit thereof should have been given to the Appellant. The prosecution had miserably failed to bring home the charge against the appellant. He further contended that the evidence of PW 15 Sham Singh Head Constable was highly untrustworthy as

admittedly he could not have collected the blood stained earth from the spot as it was raining heavily on the said date.

In the light of the said contention, he contended that both the courts below committed a grave error in awarding a life imprisonment to the appellant.

We have perused the record and have ourselves critically gone through the evidence of eye-witnesses and the evidence of PW 4 Shiv Charan as also the medical evidence of PW 3 Dr. Benu Gupta. PW 5 Vinod, brother of deceased Mahesh has given a vivid description as to manner in which injuries with the aid of knife were caused on the person of deceased. Similarly, the evidence of PW 13 Jawala Parshad and PW 14 Anil Kumar gives the details of the injuries caused by this Appellant on the person of Krishan Gopal and his mother Shanti Devi.

The injuries which were caused on the vital parts of the deceased stand fully corroborated from the evidence of PW 3

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Dr. Benu Gupta, who had performed the post-mortem on the three dead persons. The injuries on the persons of deceased are at the same vital parts of the bodies, described by the aforesaid witnesses. Thus their ocular evidence is fully corroborated with the medical evidence.

It is also to be noted that the weapon of offence (knife) was recovered at the disclosure of the Appellant, which was kept concealed in a heap of rubbish in the corner of the residential house. The said statement was duly signed by the Appellant and was attested by the prosecution witnesses.

At the time of recording of the evidence of PW 3 Dr. Benu Gupta, the said knife was shown to her, who categorically

deposed that with the aid of said knife, the nature of injuries sustained by all the three deceased, could be caused. consistency in the evidence of the prosecution witnesses. is no reason to doubt their credibility or trustworthiness.

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In the light of the aforesaid voluminous and conclusive evidence available on record, we do not find that any case of interference is made out, against the concurrent findings of fact recorded by the Courts below. The appeals being devoid of any substance are accordingly dismissed.

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We also direct that the Supreme Court Legal Services Committee to pay a sum of Rs. 7,500/- to the learned counsel for the Appellant.

.....J.
(ASOK KUMAR GANGULY)

.....J.
(DEEPAK VERMA)

NEW DELHI
MAY 25,2011.