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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1706-1707 OF 2010

SURJEET SINGH & ORS. ... APPELLANTS

VS.

STATE OF RAJASTHAN TR. ITS S.H.O. .. RESPONDENT

O R D E R

In these appeals, we are concerned with the appellants, Surjeet Singh, Suresh Singh and Deshraj.

2. It is a case of triple murder. According to the prosecution, on 10th March, 2001 about 5.00 p.m., the informant, Balbir Singh (P.W. 14) and others were irrigating the field. A large number of accused, including the appellants herein, who belong to Peelwa village, came there, armed with guns and deadly weapons.

3. According to the First Information Report, the appellant, Surjeet Singh, has caused gunshot injury to Samandar, P.W. 1, and Suresh Singh and Deshraj have fired at P.W. 16, Vishal and P.W. 11, Chironja Devi respectively causing injury to them. The appellant, Deshraj, has also caused gunshot injury to Hoshiyar Singh. Other accused also made assault as a result thereof three persons, namely, Kartar Singh, Hoshiyar Singh and Saheb Singh died at the spot. These appellants have been convicted relying mainly on the evidence of P.W. 1, Samandar, P.W. 11, Chironja Devi and P.W. 16, Vishal. P.W. 1, Samandar, in his evidence has stated that Deshraj fired from his 12 bore gun which struck Hoshiyar Singh. He also fired at P.W. 11, Chironja Devi, causing injury to her. According to Samandar, Suresh Singh opened fire from his 12 bore gun at Vishal causing injury on his thigh and appellant Surjeet Singh inflicted Farsa blow on the left side of his head. Similarly, P.W. 11, Chironja Devi, has stated in her evidence that Deshraj caused injury by firearm to the deceased Hoshiyar Singh by his 12 bore gun. She further stated that the appellant Deshraj caused firearm injury on her hand. According to Chironja Devi, the appellant Surjeet Singh gave Farsa blow to Samandar. P.W. 16, Vishal, similarly stated that the appellant Deshraj fired at Hoshiyar Singh as also Chironja Devi. The appellant Suresh caused firearm injury to him and Surjeet gave Farsa blows causing injury in the head of Samandar.

4. The trial court relying on the evidence of the aforesaid three witnesses as also taking into account the other evidence convicted and sentenced the appellants for offence under Section 302/149 and 307/149 of the Indian Penal Code.

5. We have heard Mr. S. Mahendran, learned counsel appearing for the appellants, at length. He has taken us through the entire material with great ability and made endeavour to show that the judgment of conviction is vitiated on many counts. Those submissions, in our opinion, shall be necessary to be examined only when we come to the conclusion that the evidence of P.W. 1, Samandar, P.W. 11, Chironja Devi and P.W. 16, Vishal, suffers from

any infirmity. Here, in the present case, Chironja Devi and Vishal have suffered gunshot injuries. The Doctor, who had examined them, has found firearm injury on their person. Similarly, P.W.1, Samandar, has sustained a large number of incised wounds caused by Farsa. A large number of injuries on their person lends credence to their claim of being the eyewitnesses to the occurrence. They have consistently stated the role played by each of the appellants. Their evidence is corroborated by the medical evidence and the objective finding of the Investigating Officer during the course of investigation. We find no infirmity, nor anything has been pointed out to discredit their evidence. Once their evidence is found to be reliable, we are of the opinion that other infirmities pointed out by Mr. Mahendran will not in any way affect the case of the prosecution.

6. We, therefore, sustain the conviction and sentence of the appellants.

7. In the result, we find no merit in these appeals and the same are dismissed, accordingly.

.....J.
(Chandramauli Kr. Prasad)

.....J.
(V. Gopala Gowda)

New Delhi; the
March 7, 2013

ITEM NO.104 COURT NO.11 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). 1706-1707 OF 2010

SURJEET SINGH & ORS. Appellant (s)

VERSUS

STATE OF RAJASTHAN TR.ITS.S.H.O. Respondent(s)
(With appln(s) for bail and office report)

Date: 07/03/2013 These Appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr.S.Mahendran,Adv.

For Respondent(s) None

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

The appeals are dismissed in terms of the signed order.

| (S.K. Rakheja)
| Court Master

| |(Indu Satija)
| |Court Master

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(Signed order is placed on the file)