

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1466 OF 2007

AJIT SINGH

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

O R D E R

The present appeal is directed against the judgment of the High Court dated 13th January, 2005, whereby the High Court sustained the judgment of the Trial Court to the limited extent that only Ajit Singh had committed the offence under Section 302 IPC by killing his own brother, namely, Rai Singh and acquitted Bina and Meena, who had been convicted by the Trial Court in addition to other accused. In other words, we are only concerned with the contentions raised on behalf of and the case of Ajit Singh in the present appeal, who is the sole appellant.

The contention raised is that Sunita, PW-5 was a woman of loose character and was not trustworthy witness. She is alleged to be an eye witness but her statement suffers from serious contradictions, embellishments and improvements. It is not safe to rely upon the statement of

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such witness. Thus, the appellant is entitled to benefit of doubt and consequential acquittal.

This argument is without any merit. In the present case, the Court is not concerned with the character of Sunita, per se, so far as her statement is duly proved in accordance with law and is supported by other prosecution

witnesses. PW-7 is another eye witness to the occurrence and he has fully corroborated what was stated by Sunita, PW-5.

The Trial Court and the High Court have recorded concurrent finding of fact upon proper appreciation of evidence. The motive is shown. It has come in evidence that there was a persistent dispute between the brothers for land and money. Even an unpleasant incident had occurred where they had suffered some injuries and the matter was reported to the police. Therefore, it is evident that there is background to the commission of the crime. For these reasons we do not desire to interfere with the concurrent finding of fact recorded by the Courts.

The appeal is, accordingly, dismissed.

.....J.
(Dr. B.S. CHAUHAN)

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.....J.
(SWATANTER KUMAR)

New Delhi;
June 17, 2011.

ITEM NO.111

COURT NO.2

SECTION IIB

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.1466 OF 2007

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VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With appln(s) for early hearing and office report)

Date: 17/06/2011

This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR
(VACATION BENCH)

