

ITEM NO.104

COURT No.7

SECTION IIA

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). 644 OF 2010

RAFIQ KHAN

Appellant (s)

VERSUS

STATE OF M.P.

Respondent(s)

Date: 04/08/2010

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s)

Mr. Satyapal Khushal Chand Pasi, Adv.

For Respondent(s)

Ms. Vibha Datta Makhija, Adv.

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

The appeal is dismissed in terms of the
signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 644 OF 2010

RAFIQ KHAN

.....

APPELLANT

VERSUS

O R D E R

We have heard the learned counsel for the parties.

It has been contended by learned counsel for the appellant that Farida - P.W. 1, the complainant was a child witness and her evidence was uncertain; some corroboration of her evidence was required. It has also been submitted that as the appellant had come to the place unarmed there was absolutely no intention on his part to have committed the murder and the appellant, therefore was entitled to some benefit on that account as well.

We have considered the arguments advanced by the learned counsel in the background of the facts noticed by us. Concededly Farida P.W. 1 was about 13 years of age. She was therefore not that young a child who was

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incapable of understanding the implication of an oath and the sanctity of evidence. She has clearly stated as to the manner in which the incident happened and also as to the manner in which the injuries had been caused by the appellant. Farida's statement is also corroborated by the statement of Maqbool Ahmed - P.W. 2 who had been attracted to the place on the shouts of the victim and had met Farida outside the house and had seen the appellant running away and had also attempted to apprehend him. The corroboration therefore the learned counsel for the appellant seeks can be found from the statement of Maqbool. The second argument is equally without merit. The nature of injuries particularly injury Nos, . 13 to 18 show the

viciousness of the attack and the brutal manner in which the deceased had been cut up by the appellant. It is true that there was no animosity between the appellant and the deceased, but it appears that the appellant was doing a bit of moral policing and compelling her to wear a burqa and on her refusal to do so had got infuriated and picked up a knife and caused 13 injuries with it. We thus find no merit in the appeal which is, accordingly, dismissed.

.....J
[HARJIT SINGH BEDI]

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.....J
[C.K. PRASAD]

NEW DELHI
AUGUST 04, 2010.