

IN THE SUPREME COURT OF INDIA
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPEAL NO. 1374 OF 2012

MAJOR SINGH

Appellant(s)

VERSUS

MOTHU SINGH & ORS.

Respondent(s)

WITH

CRIMINAL APPEAL No. 1375 OF 2012

STATE OF RAJASTHAN

Appellant(s)

VERSUS

MOTHU SINGH & ANR.

Respondent(s)

O R D E R

We have heard learned counsel appearing for the parties at length today.

We have been taken through the judgment of the High Court whereby the High Court based on three reasonings acquitted the accused in the matter.

The first of such reasoning is that PWs 5 and 6 on whose statements the trial Court relied upon being treating them as eyewitness of the incident cannot be relied upon at all in view of the fact that the other witness who became hostile is PW-9, who has specifically stated that he has not been able to find them out at the relevant time and at the said spot which is accepted by the

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High
 Gulshan Kumar Arora
 Date: 2015.10.13
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Court and also had given a reason for coming to

the
 Reason:

conclusion in the matter in question which cannot be interfered by us.

The second reasoning which has been given is that Major Singh (PW-5), who is the brother of Heera Singh, the deceased who was

present at the spot as claimed by him cannot be accepted by the High Court because of the reason that a reasonable prudent man, who is the brother of the deceased ought to have taken steps then and there when his brother was shot at, at least with regard to the medical care which was required at that point of time failing which the High Court also did not accept the presence and conduct of Major Singh (PW-5) at the relevant point of time.

The last reasoning which has been stated by the High Court is that besides all these facts, it is important to note that the blank fire cartridge as per PW-10 was not fitting to the magazine of the pistol recovered at the instance of accused Jagga Singh. In view of that, the cumulative effect of whatever discussed by the High Court is arising of a reasonable doubt relating to involvement of the accused persons in the crime in question.

In these circumstances, we hold that the High Court has correctly come to the conclusion in allowing the appeal filed by the accused. Hence, there is no merit in these appeals

Accordingly, the appeal which has been filed by the Complainant as well as by the State stands dismissed.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(R.K. AGRAWAL)

New Delhi;
October 07, 2015.

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ITEM NO.110

COURT NO.13

SECTION II

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(s). 1374/2012

MAJOR SINGH

Appellant(s)

VERSUS

MOTHU SINGH & ORS.

Respondent(s)

(with office report)

WITH
Crl.A. No. 1375/2012
(With Office Report)

Date : 07/10/2015 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. R. C. Kohli, AOR

Mr. Ram Naresh Yadav, Adv.
Mr. Sunil Kumar Sharma, Adv.
Ms. Ruchi Kohli, AOR

For Respondent(s) Mr. Subhasish Bhowmick, AOR

Mr. Ram Naresh Yadav, Adv.
Mr. Sunil Kumar Sharma, Adv.
Ms. Ruchi Kohli, AOR

Mr. Prem Malhotra, AOR

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

The criminal appeals are dismissed in terms of the signed
order.

(R.NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)