

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.676/2011**

**THE STATE OF MADHYA PRADESH**

**Appellant(s)**

**VERSUS**

**SAHABSINGH & ORS.**

**Respondent(s)**

**O R D E R**

1. Heard Mr. Veer Vikrant Singh, learned counsel appearing for the appellant. Also heard Mr. Yogesh Tiwari, learned counsel appearing for the respondents.

2. This criminal appeal arises out of an incident which occurred on 06.09.1994. The case of the Prosecution is that about 8:00 A.M. when the complainant Umed Singh together with Khuman, Dilip and Uttam Singh were returning from the cattle pound, the 14 accused persons armed with gandas, luhangi etc. surrounded the complainant's party and assaulted them with various weapons. On the basis of the First Information Report lodged by the injured complainant, initially Police registered a case under Sections 307,

148 and 149 Indian Penal Code, 1860 (IPC) but when the injured Uttam died, the appropriate Section for murder was inserted.

3. As one of the accused was a minor his case was segregated and chargesheet against 13 persons was filed under Section 148, 403, 149, 307 IPC. Two accused died during trial and eventually the learned Trial Court on 18.08.1998 rendered a guilty verdict for all the 11 accused under Sections 302, 326 and 149 IPC. The Court primarily relied on the testimony of injured PW-1, PW-2 and PW-6 in order to determine the culpability of the accused with the crime and correlated the role attributed, with injuries suffered by the injured witnesses and the deceased.

4. In the resultant appeal filed by the 11 convicted persons, the High Court ordered for acquittal of Laxman, Ramkishan, Jagdish, Sirnam, Prahlad and Halke. The Court looked into the injuries as noted by the Dr. R.P. Singh, PW-5 and relating the injuries to the statement of PW-1, who was injured and was present at the spot as also the PW-2 and PW-6, concluded that the injuries could not have been caused by the lathi and ballam wielded by these six acquitted accused persons.

5. We have perused the evidence of the related witnesses as also the post mortem report and see no infirmity with the conclusion reached by the High Court for ordering acquittal of aforementioned six accused.

6. Insofar as the modification of the verdict for the five accused from conviction under Section 302 IPC to Section 304 Part I of the IPC, we have perused the discussion of the High Court in paragraph 19 where it is reflected that there is no previous enmity of the accused with the injured and the deceased. Moreover, the incident took place all of a sudden without any premeditation by the accused persons. It was also noted that the accused persons had not taken any undue advantage and had not administered repeated blows on the deceased Uttam. In these circumstances, the High Court felt that the case of the five accused is covered within exception 4 of Section 300 of the IPC and on that basis ordered for their conviction under Section 304 Part I of the IPC by modifying the conviction from that of Section 302 IPC.

7. The above reasoning of the Court is consistent with the injuries suffered by the victim. The testimony of the injured eye-witnesses also support the

conclusion reached by the High Court.

8. In view of the above, we find no reason to interfere with the impugned verdict of the High Court and accordingly the appeal stands dismissed.

9. Pending application(s), if any, also stand closed.

.....J.

( HRISHIKESH ROY )

.....J.

( MANOJ MISRA )

NEW DELHI;

APRIL 19, 2023

ITEM NO.101

COURT NO.15

SECTION II-A

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).676/2011

THE STATE OF MADHYA PRADESH

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Date : 19-04-2023 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Mr. Veer Vikrant Singh, D.A.G.  
Mr. Gopal Jha, AOR  
Mr. Bitu Kumar Singh, Adv.  
Mr. Umesh Kumar Yadav, Adv.  
Mr. Sanket, Adv.

For Respondent(s) Mr. Yogesh Tiwari, Adv.  
Mr. Raj Mohan Gupta, Adv.  
Mr. Rajesh, AOR

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

The Appeal is dismissed in terms of the signed order.

Pending application(s), if any, stand closed.

(DEEPAK JOSHI)  
COURT MASTER (SH)

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR

(Signed Order is placed on the File)

