

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO(S). 184 OF 2011

STATE NCT OF DELHI

APPELLANT(S)

VERSUS

BISHAN @ BINNY ALIAS BAGGA & ANR.

RESPONDENT(S)

ORDER

The present appeal is directed against the judgment impugned dated 06.04.2009 passed by the High Court of Delhi, on reappraisal of the evidence converted the conviction into acquittal of the two respondents herein for the offences punishable under Section 302 read with 34 IPC and 27 of the Arms Act.

The respondents herein were charged for the offence of having murdered Satish Kumar (deceased) and respondent no. 1 was additionally charged for the offence of unlawful possession of a dagger punishable under Section 27 of the Arms Act. Under the judgment of the Trial Court dated 27.01.2001, although one of the co-accused namely, Babli was acquitted for the charge framed against him. The other two accused persons who are respondents herein were

convicted for the offence under Section 302 and respondent no. 1 (Bishan @ Binny @ Bagga) was additionally convicted under Section 27 of the Arms Act.

The case of the prosecution has been narrated in detail by the Division Bench of the High Court in the judgment impugned and there is no need to go into the case of the prosecution extensively in the given facts and circumstances but taking into consideration the totality of the case of the prosecution in nutshell was that the deceased had come to attend the court hearing on 27.07.1991 and at about 8/8.15 p.m. the incident had taken place and that the accused Babli enticed him to consume liquor and join the deceased and after intoxicating him the respondents herein stabbed him with knife and thereafter ran away. The prosecution in support recorded the statement of brother of the deceased (PW-7), the police constable (PW-22), the treating Doctor (PW-9) and the Doctor who conducted post-mortem on the body of the deceased (PW-12).

There is no direct evidence which could connect the present respondents of their participation in the commission of crime, although the learned trial court on the basis of the evidence of PW-7 and PW-22 (Police Constable) who took the deceased to the hospital, convicted both the respondents for the aforesaid offences. On

reappraisal of the evidence, the High Court under judgment impugned converted the conviction into acquittal.

With the assistance of the counsel for the State and also for the respondents we have gone through the entire record including the statement of PW-7, PW-22, PW-9 and PW-12 extensively and after going through the evidence on record, are unable to find any reason to interfere in the judgment impugned passed by the High Court of Delhi dated 06.04.2009.

Consequently, the appeal is dismissed.

Pending application(s), if any, stands disposed of accordingly.

.....,J.
(AJAY RASTOGI)

.....,J.
(C.T. RAVIKUMAR)

New Delhi;
JULY 20, 2022,

ITEM NO.104

COURT NO.12

SECTION II-C

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

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RESPONDENT(S)

([list in the month of july, 2022])

Date : 20-07-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Appellant(s) Ms. Aakanksha Kaul, Adv.
 Mr. Adit Khurana, Adv.
 Mr. G.S. Makker, AOR
 Mr. Shailesh Madiyal, Adv.
 Ms. Indira Bhakar, Adv.
 Mr. B. V. Balaram Das, AOR

For Respondent(s) Mr. Rupesh Kumar, AOR
 Ms. Pankhuri Shrivastava, Adv.
 Ms. Neelam Sharma, Adv.

Mr. Ranji Thomas, Sr. Adv.
Mr. Shashank Shekhar, Adv.
Ms. Triveni Potekar, Adv.
Mr. Chander Shekhar Ashri, 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. The operative part of the order reads as under:

"With the assistance of the counsel for the State and also for the respondents we have gone through the entire record including the statement of PW-7, PW-22, PW-9 and PW-12 extensively and after going through the evidence on record, are unable to find any reason to interfere in the judgment impugned

passed by the High Court of Delhi dated
06.04.2009.
Consequently, the appeal is dismissed."

Pending application(s), if any, stands disposed of
accordingly.

(MONIKA DEY)
COURT MASTER (NSH)

(ASHWANI THAKUR)
ASTT. REGISTRAR-cum-PS
(Signed order is placed on the file)