

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1204 OF 2007

MAHENDRA SINGH & ORS. . .APPELLANT (S)

VERSUS

STATE OF MADHYA PRADESH . .RESPONDENT (S)

WITH

CRIMINAL APPEAL NO.150 OF 2008

DHARM SINGH & ANR. . .APPELLANT (S)

VERSUS

STATE OF MADHYA PRADESH . .RESPONDENT (S)

WITH

CRIMINAL APPEAL NO.224 OF 2008

RAM RATAN & ANR. . .APPELLANT (S)

VERSUS

STATE OF MADHYA PRADESH . .RESPONDENT (S)

O R D E R

1. These appeals are directed against the judgment and order passed by the High Court of Madhya Pradesh at Gwalior in Criminal Appeal No.189 of 1995,

dated 08.02.2007. By the impugned judgment and order, the High Court has reversed the order of acquittal passed by the Trial Court, and has convicted and sentenced the accused persons for the offences punishable under Sections

2. The brief facts of the prosecution case are that on 21.06.1984 at about 5.00 p.m. nine accused persons as members of an unlawful assembly armed with fire-arms, lathis and *barchhis* assaulted three persons with the weapons and fired bullets from the fire-arms. A First Information Report was registered against all the accused persons for the offences punishable under Sections 307, 147, 148, and 149 of the IPC and Sections 11 and 13 of the Madhya Pradesh Dacoity and Kidnapping for Ransom Affected Area Act. After the completion of the investigation chargesheet was filed against the accused persons.

3. Thereafter, the accused persons appeared before the Trial Court and after both sides were heard, charges were framed. The charges were read

over and explained to the accused persons who pleaded not guilty. Accordingly, the case was committed to Trial.

4. In order to substantiate the charges framed against the accused persons, the prosecution examined eight witnesses. After the completion of prosecution evidence, the statement of the accused persons was recorded under Section 313 of the Code of Criminal Procedure (for short, "the Code"). No evidence was led in defense.

5. On examination of the evidence on record and the submissions of the parties, the Trial Court found a number of infirmities and lacunae in the prosecution case. The Trial Court observed that no independent witnesses were examined by the prosecution even though the incident occurred in a thickly populated area. The Trial Court further observed that there was a long standing enmity between the parties, and that on account of that, the prosecution witnesses had deliberately and

intentionally mixed true and untrue facts so that it was difficult to separate the chaff from the grain. The Trial Court further observed that the incident was of more than ten years prior to the decision in the case. In that view of the matter, by its judgment and order dated 30.11.1994 the Trial Court acquitted the accused persons of all offences.

6. Being aggrieved by the said judgment and order passed by the Trial Court, the respondent-State preferred an appeal before the High Court. Upon a detailed consideration of the submissions of the parties and also the evidence on record including the judgment and order passed by the Trial Court, the High Court reversed the order of acquittal passed by the Trial Court. The High Court held that the evidence of the eyewitnesses and the injured persons was clear, cogent and reliable and was also corroborated by the medical evidence on record.

7. Accordingly, the High Court convicted the accused Mahendra Singh, Brakhbhan, Bhoop Singh,

Ramratan Singh, Padam Singh and Ramkhiladi @ Ramlakhan for the offence punishable under Section 148 of the IPC and sentenced them to undergo rigorous imprisonment for a period of one year. The High Court further convicted them for the offence punishable under Section 307 of the IPC read with Section 149 of the IPC and sentenced them to undergo rigorous imprisonment for a period of five years, along with payment of fine of Rs.5,000/- each, and in default to undergo rigorous imprisonment for one year each. Accused-Gopal Singh was convicted for the offence punishable under Section 147 of the IPC and sentenced to undergo rigorous imprisonment for a period of one year. Further, he was convicted for the offence punishable under Section 307 of the IPC read with Section 149 of the IPC and sentenced to undergo rigorous imprisonment for a period of five years, along with payment of fine of Rs.5,000/-, and in default to undergo rigorous imprisonment for one year. The High Court convicted the accused-Dharm Singh for the offence punishable under Section 148 of

the IPC and also the offence punishable under Section 307 of the IPC read with Section 149 of the IPC. Having regard to the old age of the accused-Dharm Singh, the High Court sentenced him to suffer rigorous imprisonment for a period of one year for the offence punishable under Section 148 of the IPC, and rigorous imprisonment for a period of one year for the offence punishable under Section 307 of the IPC read with Section 149 of the IPC.

8. Being aggrieved by the said judgment and order passed by the High Court, the accused persons are before us in this appeal.

9. We have heard the learned counsels appearing for the parties to the *lis*.

10. The learned counsel appearing for the accused persons would inform us that the accused-Dharm Singh in Criminal Appeal No.150 of 2008 has expired during the pendency of the appeal after the conviction by

the High Court. In view of Section 394 of the Code, the appeal stands abated *qua* accused-Dharm Singh.

11. After going through the judgments and orders passed by the Trial Court as well as the High Court and also the evidence on record, we are of the considered view that there is no infirmity in the judgment and order passed by the High Court which requires our interference. The appeals, being devoid of any merit, deserve to be dismissed and are accordingly dismissed.

12. The accused persons are directed to surrender in a month's time and to serve out their remaining sentences.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(V.GOPALA GOWDA)

.....J.
(AMITAVA ROY)

NEW DELHI
SEPTEMBER 03, 2015.

ITEM NO.7

COURT NO.1

SECTION IIA

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). 1204/2007

MAHENDRA SINGH & ORS.

Appellant(s)

VERSUS

STATE OF M.P.

Respondent(s)

(office report)

WITH

CRIMINAL APPEAL NO. 150/2008
(With Office Report)

CRIMINAL APPEAL NO. 224/2008
(With exemption from filing O.T. and Office Report)

Date : 03/09/2015 These appeals were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. Dinesh Kumar Garg, Adv.
Mr. Dhananjay Garg, Adv.
Mr. Deepak Mishra, Adv.

Mr. Ajit Kumar Pande, Adv.

For Respondent(s) Ms. Bansuri Swaraj, Adv.
Mr. Annirudh Sharma, Adv.
Ms. Shreya Bhatnagar, Adv.
Mr. Raghunatha Setha Pathy, Adv.
Mr. Sandeepan Pathak, Adv.
For Mr. C. D. Singh, Adv.

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

The appeals are dismissed in terms of
the signed order.

As a sequel to the above, pending
application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)