

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1330 OF 2010

SATISH @ BOBBY

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

O R D E R

1) This appeal is directed against the judgment and order dated 29.02.2008 passed by the Division Bench of the High Court of Punjab and Haryana at Chandigarh, whereby the Division Bench has dismissed the appeal filed by the appellant-herein.

2) The facts of the case, in brief, are as follows:-

i) That on 03.03.1996 at 9.00 p.m., the appellant along with Vijay @ Nikku assaulted Rajinder (the deceased).

ii) It appears from the facts narrated, that Vijay had a lathi and had put his left foot on the chest of the deceased. Satish - the appellant herein had a sharp-edged weapon and gave blows including the one in the abdomen of the deceased.

iii) Joginder Kumar (PW-9) tried to intervene and he also sustained injury at the time of the incident. Rajinder was taken to the hospital but he succumbed to the injuries.

iv) An FIR was registered at about 1.15 a.m. in the intervening night and Shamsher Singh (PW-8), who happens to be the uncle of the deceased, at the time of deposition before the Court did not

support the prosecution version. However, it has to be noted that the FIR was lodged at his instance.

v) After the investigation, the accused were sent up for trial and the prosecution examined as many as 16 witnesses in support of their case. The trial Court, after hearing the Public Prosecutor and the defence counsel, and after considering the totality of the facts and circumstances, convicted the accused under Sections 302/323/34 I.P.C. and sentenced them to undergo imprisonment for life and to pay a fine of Rs.12,000/- with default stipulation.

vi) Being aggrieved, the accused preferred an appeal before the High Court, which by its order has dismissed the appeal.

3) We have heard learned counsel appearing for both the parties.

4) We have carefully perused the materials on record and have duly considered the evidence adduced. We have also found that Shamsher Singh (PW-8), uncle of the deceased, had later become hostile. However, the High Court accepted the evidence of PW-9 and came to the conclusion that Satish - the appellant herein gave a knife blow to him also and for the same he was also hospitalized. This evidence has been appreciated by the High Court to hold that his presence cannot be disputed at the time of the incident. It further relied on the evidence of Dr. R.K. Choudhary (PW-1) being the Medical evidence. In our opinion, the High Court is right in coming to its conclusion.

5) In view of that, we do not find any reason to interfere with the impugned judgment of the High Court in the facts of the present case.

6) Learned counsel appearing for the appellant in support of this appeal pointed out that the High Court was wrong in recording that the appellant Satish @ Bobby died in April, 2004 though, in fact, the other accused, viz., Vijay @ Nikku, who was serving the sentence had died in April, 2004. That part of the order of the High Court is set aside by correcting the facts that Vijay died in April, 2004. The appellant would serve out the sentence as ordered.

7) Accordingly, we find no merit in the appeal.

8) The appeal is disposed of on the afore-stated terms.

.....J
(PINA KI CHANDRA GHOSE)

.....J
(AMITAVA ROY)

NEW DELHI;
June 08, 2016.

ITEM NO.106

COURT NO.3

SECTION IIB

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). 1330/2010

SATISH @ BOBBY

Appellant(s)

VERSUS

STATE OF HARYANA

Respondent(s)

Date : 08/06/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE AMITAVA ROY
(VACATION BENCH)

For Appellant(s) Ms. E.R. Sumathy, Adv. (SCLSC)

For Respondent(s) Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Dr. Monika Gusain, AORUPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed order.

(R.NATARAJAN)
Court Master(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)