

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1136 OF 2009

SWARAN SINGH

...APPELLANT(S)

VERSUS

STATE OF PUNJAB

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal No.422-DBA of 2000, dated 30.07.2008. By the impugned judgment and order, the High Court has reversed the order of acquittal passed by the Judicial Magistrate First Class, Hoshiarpur (for short, "the Trial Court").

2. The brief facts of the prosecution case are that on 30.12.1994, at about 12.45 p.m., the Complainant-Bholay Swami, the mahant of the Baba Balak Nath Mandir, was taking his advocate for a spot inspection in respect of a case filed against

him. The appellant-herein, armed with a datar (sickle), inflicted multiple injuries on the complainant. The complainant became unconscious and was taken to the hospital, where he was medically examined and his statement was recorded.

3. The First Information Report was lodged and a chargesheet was filed against the appellant under Sections 324, 326 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC) and the case was committed to Trial.

4. The prosecution examined seven witnesses during the Trial, including the medical officer and the dental surgeon, who had conducted the medical examination of the complainant.

5. The Trial Court held that there were irreconcilable discrepancies in the witness testimonies. Upon examination of the evidence, the Trial Court found that the charges against the accused persons were not proved beyond reasonable

doubt. Accordingly, the Trial Court acquitted the appellant.

6. Being aggrieved by the said order passed by the Trial Court, the State carried the matter in appeal before the High Court. The High Court in its impugned judgment and order held that the finding of contradiction by the Trial Court between ocular testimony of the complainant and medical testimony of the dental surgeon was misconceived and that the charges against the appellant had been proved beyond reasonable doubt. Accordingly, the High Court convicted the appellant under Section 326 of the IPC and sentenced him to undergo rigorous imprisonment for a period of one year, along with a fine of Rs.50,000/-, and in default rigorous imprisonment for one year. Further, the High Court convicted the appellant under Section 324 of the IPC, and sentenced him to undergo rigorous imprisonment for a period of one year. The

substantive sentences were ordered to run concurrently.

7. Being aggrieved by the said judgment and order passed by the High Court, the appellant is before us in this appeal.

8. We have heard the learned counsel appearing for the parties to the *lis*.

9. Mr. Arun Takhi, learned counsel appearing for the appellant, would assail the judgment and order passed by the High Court. He would submit that there were irreconcilable discrepancies in the prosecution evidence, specifically between the ocular account of the complainant and the expert medical opinion of the dental surgeon. He would further submit that the complainant had falsely implicated the appellant due to prior civil disputes between the parties.

10. *Per contra*, Mr. Jagjit Singh Chhabra, learned counsel for the respondent-State, would support the judgment and order passed by the High Court.

11. After going through the judgment and order passed by the High Court and the material available on record, we are of the view that the High Court has not done any error whatsoever, while passing the impugned judgment and order, which would call for our interference. The Criminal Appeal is dismissed, accordingly.

Ordered accordingly.

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

.....J.
(N.V. RAMANA)

.....J.
(ARUN MISHRA)

NEW DELHI
AUGUST 27, 2015.

ITEM NO.10

COURT NO.1

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). 1136/2009

SAWARAN SINGH

Appellant(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

Date : 27/08/2015 This appeal was called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. Arun Takhi, Adv.
For Dr. Kailash Chand, Adv.

For Respondent(s) Mr. Jagjit Singh Chhabra, Adv.
Mr. Kuldip Singh, Adv. (NP)

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

The appeal is dismissed in terms of
the signed order.

As a sequel to the above, pending
interlocutory application(s), if any, is/are
disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)