

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2201 OF 2010

RAVINDER KUMAR ... APPELLANT

VERSUS

STATE OF H.P. ... RESPONDENT

O R D E R

In the present appeal, we are concerned with the conviction of the appellant under Section 366/34, 302/34 and 201/34 of the Indian Penal Code ("IPC" in short). The appellant has been sentenced to undergo imprisonment for ten years under Section 366/34, imprisonment for life under Section 302/34 and imprisonment for seven years under Section 201/34 of the IPC.

2. It is unfortunate that the deceased, wife of a Constable of the Indo-Tibetan Border Force, who was seen-off by her husband at Uttarkashi in bus for her residence, meets a tragic death. It is the case of the prosecution that on 9th January, 2002 she was seen-off by her husband at Uttarkashi for her matrimonial home at Bhadsali in a bus. The bus when reached at Una, the appellant and another convict took her on a Maruti Van and ultimately her dead body was found in a Canal. There is no eyewitness to the occurrence and the trial court relying on the circumstantial evidence held the appellant guilty. The circumstances relied on by it are that the deceased was taken on a Maruti Van by the appellant, recovery of her ornaments at the appellant's instance and the confessional statement made before P.W. 13, Ashwani Kumar. The aforesaid circumstances led the Court to come to the conclusion that the circumstances point towards the guilt of the appellant only.

3. We have heard Mr. Amit Srivastava, counsel for the appellant and Mr. Suryanarayana Singh, counsel for the respondent-State.

4. P.W. 4, Hazari Lal, P.W. 7, Sehdev Singh and P.W. 12, Ravinder Kumar, have consistently stated in their evidence that the deceased was taken on a Maruti Van by the appellant. The deceased was physically challenged and all these witnesses have stated that she was limping when she was taken by the appellant. The pajeb belonging to the deceased was also recovered at the instance of the appellant. P.W. 13, Pradhan of the Village, had stated about the extra-judicial confession made by the appellant. All these witnesses are natural witnesses and their presence at the bus stand being the shop-keeper and the taxi-driver is quite natural. There is no reason as to why they will falsely implicate the appellant.

5. We are of the opinion that the circumstances proved clearly point towards the guilt of the appellant and by no reasonable hypothesis his innocence can be inferred. We are of the opinion that the High Court did not err in affirming the conviction of the appellant.

6. The appellant is on bail. His bail bond is cancelled. He is directed to surrender forthwith to serve out the remaining sentence.

7. In the result, we do not find any merit in the appeal and

(Signed order is placed on the file)