

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1015 OF 2008

BHANGDA S/O RAMLA & ANR.

APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH

RESPONDENT(S)

O R D E R

The appellants before this Court are convicted, apart for some ancillary offences, for the offence punishable under Section 302 read with Section 149 of the Penal code. They have been given two sentences of life imprisonment, which, however, are directed to run concurrently.

According to the prosecution case, there was some dispute between the members of the prosecution party and the accused over their respective shares in some common property and the prosecution party had the grievance of not receiving their due share. The prosecution case further is that one day prior to the date of occurrence i.e., June 17, 1994, the accused started calling Mohanbai as a 'witch' and at about 8.00 p.m. in the evening on the date of occurrence, they started pelting stones on the house of the members of the prosecution party. They followed it up by attacking them with swords and stones. In the assault made by the accused (according to the prosecution, they were 10 in number) Mohanbai and Chhagan were killed at the spot and some other persons who were later examined as prosecution witnesses received various injuries.

On the basis of the prosecution case, the ten accused were put on trial before the Additional Sessions Judge, Manawar, Dhar, M.P., who by his judgment and order dated August 12, 1997 passed in Sessions Trial No.383 of 1994 convicted and sentenced all the accused under Sections 302/149 and some other ancillary Sections.

In the appeal, however, the High Court acquitted eight of the accused but confirmed the conviction and sentences of the two appellants, namely, Bhangra (accused no.1) and Kishore (accused no.2).

This appeal arises from the judgment and order passed by the High Court.

The injuries sustained by the two deceased are described in paragraphs 6 and 7 of the High Court Judgment. It appears that Mohanbai had received four injuries and Chhagan had received ten injuries. From the nature of the injuries, it appears that they were assaulted brutally and as a result they died at the place of occurrence itself.

The prosecution in support of its case examined a number of witnesses, some of whom had also received injuries in the assault by the accused. At least two injured witnesses, namely, Motisingh (PW-1), who is the son of the deceased, and Galia (PW-3), named both Bhangra and Kishore as the assailants. Radhia (PW-5) who is also one of the sons of the deceased, and who too had received injuries at the hands of the assailants, also named Kishore as one of the assailants.

We, thus, find that Kishore has been named by as many as three witnesses and Bhangra by two witnesses.

On hearing Mr. Ashok Kumar Gupta, learned counsel for the appellants and Ms. Aishwarya Bhati, learned counsel for the State of Madhya Pradesh and on going through the materials on record, we are satisfied that the evidences of PW-1, PW-3 and PW-5 are sufficient to maintain the conviction of the two appellants.



| (Neetu Khajuria)

| (Sneh Bala Mehra)

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| Sr.P.A.

| Court Master

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(Signed order is placed on the file.)

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