

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024
(@ SLP(CRL.) No.3296-97/2020)

RAGHVENDRA SINGH KAURAV

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

Leave granted.

2. The short point for consideration in these appeals is as to whether the rigour of Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as, 'the IPC') would get attracted by applying the principle of vicarious liability on the appellant so as to convict him under Section 307 of the IPC.

3. The case of the prosecution in nutshell is that two accused made an attempt to shoot the complainant and the appellant being the co-accused instigated the others to kill the complainant. As rightly pointed out by learned counsel appearing for the appellant, on a reading of the evidence of the three eye-witnesses namely PW1 to PW3, there is no clear material to attract Section 34 of the IPC insofar as the common intention qua the appellant is concerned. The evidence read by learned counsel appearing for the appellant would give the impression that after the shots were fired, the appellant who came to the place of the occurrence said 'shoot and kill them'.

4. Such an utterance would not attract Section 34 of the IPC as, after the said statement, no attempt was made in furtherance of common intention. We are of the view that both the High Court in the impugned order and the Trial Court have not considered this aspect.

5. In such view of the matter, we are inclined to set aside the impugned order confirming the conviction and sentence rendered by the Trial Court.

6. The appeals are accordingly allowed and the appellant is acquitted of the charges framed under Section 307 read with Section 34 of the IPC.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
JANUARY 8, 2024

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 SPETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S).3296-3297/2020

(Arising out of impugned final judgment and order dated 07-09-2019 in CRA No. 246/2008 24-01-2020 in MCRC No. 49219/2019 passed by the High Court Of M.P At Gwalior)

RAGHVENDRA SINGH KAURAV

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

(IA No. 54617/2020 - EXEMPTION FROM FILING O.T.)

Date : 08-01-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTIFor Petitioner(s) Mr. Abhay Singh, AOR
Mrs. Ankita Agarwal, Adv.
Mr. Parijat Kishore, Adv.
Mr. Kaustubh Shukla, Adv.
Mr. Lakshmeesh S Kamath, Adv.For Respondent(s) Mr. Yashraj Singh Bundela, AOR
Mr. Pawan, Adv.
Ms. Jyoti Verma, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeals are allowed in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
COURT MASTER (SH)(POONAM VAID)
COURT MASTER (NSH)