

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1409 OF 2010

Ram Babu @ Raja

...Appellant

Versus

State (NCT) of Delhi

...Respondent

O R D E R

The appellant, along with three others, namely, Ulhas, Shakuntla and Sanjay, faced trial in S.C. No. 149 of 2004 in the court of Additional Sessions Judge, New Delhi, for offences under Sections 302/120B and 201 of the Indian Penal Code (for short "IPC") on the allegation that all of them had conspired to commit the murder of one Radhe Gupta, the brother of Shakuntla.

The only score, briefly stated, is that the appellant was a tenant under Shakuntla and he had illicit relationship with her which was objected to by the deceased. Shakuntla and Radhe Gupta had a dispute pertaining to property where they were residing. Shakuntla in collusion with others wanted to extinguish the life spark of the deceased. On 14.6.2004, the appellant was seen in the company of the deceased by Jagdish, PW-13, about 2.30 p.m. When the deceased did not come back home, a missing report was lodged by his son Satish at the police station. On 15.6.2004, about 7.00 a.m. Constable Vinod, PW-10, was informed that a gunny bag containing something was lying at a Kachcha Road leading to village Dasghada. Eventually, it was found to be a dead body of a man wearing black pants and a white vest. A photograph was taken and, eventually, after due investigation it was found that the dead body was that of Radhe Gupta. Thereafter, an investigation commenced, an FIR was registered and all the accused persons were apprehended and sent up for trial.

The learned trial Judge on the basis of the evidence brought on record came to hold that the prosecution had

been able to prove the guilt against two accused persons, namely, the appellant and Ulhas. However, he had acquitted the other two accused persons, namely, Shakuntla and Sanjay. On an appeal being preferred, the High Court affirmed the judgment of conviction and sentence that was awarded by the learned trial Judge sentencing the convicts to undergo rigorous imprisonment for life and to pay a fine of Rs.1000/- under Section 302 IPC and in default of payment of fine, further to undergo simple imprisonment for one month each. Be it noted, same punishment was awarded under Section 120B IPC and rigorous imprisonment for seven years and a fine of Rs.1000/- each under Section 201 IPC with a default clause. All the sentences were directed to run concurrently.

We have heard Mr. Rakesh Kumar, learned counsel for the appellant and Mr. A.K. Panda, learned counsel who has been appointed as Amicus Curiae to assist us.

On a perusal of the judgments of the trial court and the High Court it is luminous that the whole case has rested on the circumstantial evidence. The circumstances which

are weighed with the High Court are that Ram Babu, the appellant herein, was seen in the company of the deceased about 2.30 p.m. on 14.6.2004 and that was the last time he was seen alive; that there is acceptable proximity of the time of the deceased being last seen in the company of the accused has led to recovery of nylon ropes with which the deceased was strangled and the gunny bag was tied up; that the expert in his opinion has clearly stated that the rope tied on the gunny bag and the one used for strangulation, namely, Ext. P-4 and P-7, belonged to one rope; that the expert has clearly stated the nine similar features going into the minutest details of even the number of fibers in each strands stood matched; that there was ample evidence on record that the accused-appellant was in possession of the said rope; and that all the other incriminating circumstances lead singularly to the guilt of the accused. The analysis made by the High Court of the circumstances, in our opinion, is absolutely correct and, therefore, the confirmation of conviction and the sentence, passed by the learned trial Judge, by it does not warrant any interference.

In the result, the appeal, being devoid of merit, stands dismissed.

.....J.
[Dr. B. S. Chauhan]

.....J.
[Dipak Misra]

New Delhi;
May 21, 2013

ITEM NO.104

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 1409 OF 2010

RAM BABU @ RAJA

Appellant (s)

VERSUS

STATE(NCT) OF DELHI

Respondent(s)

(With office report)

Date: 21/05/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Appellant(s) Mr. Rakesh Kumar, Adv.
Mr.Naveen Gaur, Adv.
Mr.Kaushlendra Singh, Adv.

For Respondent(s) Mr.A.K.Panda, Sr.Adv.
Mr.Lingaraj Sarangi, Adv.
Mr.S.Nagarajan, Adv.
Mr.Mukesh K.Verma, Adv.
Mr.D.S.Mahra, Adv.
Mrs.Anil Katiyar, Adv.

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

The appeal is dismissed in terms of the signed order.

(Satish K.Yadav)
Court Master

(M.S.Negi)
Court Master

(Signed order is placed on the file)