

Ram Dahin Singh and Others

Vs

State of U.P.

Criminal Appeal No. 206 of 1966

(S. M. Sikri, I. D. Dua JJ)

18.08.1970

JUDGMENT

SIKRI, J. -

1. This appeal by special leave is directed against the judgment of the High Court at Allahabad dismissing the appeal of the appellants. The appellants Ram Dahin Singh, Bijai Bahadur and Rabindra Bahadur Singh were convicted under Section 201 of the Indian Penal Code and various sentences given but they were acquitted of the charges under Sections 147/302/149/34 and Section 396 of the Indian Penal Code. The learned counsel for the Appellants contended that the circumstantial evidence which has been relied upon by the High Court and the learned Sessions Judge is not sufficient to support the conclusion that they had committed an offence under Section 201 of the Indian Penal Code.

2. The prosecution story which has been accepted by the High Court is as follows :

(1) It is proved that Bali Ram, who was alleged to have been murdered, started with a sum of Rs. 1,7000/- in the company of Rang Bahadur (P.W. 2) and Raj Govind Singh (P.W. 3) and the three appellants on the morning of July 23, 1963, from his village Chaura for village Chitbaragaon in order to get a document scribed there by Parmeshwar Dubey (P.W. 4) in whom they had a lot of trust. P.W. 4 deposed that Bali Ram came in the company of Ram Dahin and his two sons, the appellants on July 23, 1963, in order to get a document written evidencing a loan of Rs. 1,700/- advanced by Bali Ram to Ram Dahin. The High Court found it established that the parties went to Parmeshwar Dubey on July 23, 1963.

(2) The whole party went to Ballia where they consulted Shri Har Narain Singh Vakil. In this respect Rang Bahadur (P.W. 2) who is a collateral of Bali Ram and Raj Govind Singh (P.W. 3) was believed. The High Court further found that the whole party consulted a lawyer at Ballia who pointed out that it would be advisable to get Smt. Bhola Kunwari to come along and execute a document for the loan inasmuch as she had land but Ram Dahin and his sons did not have any land.

(3) After the conversation with the lawyer, the whole party went to the shop of Surya Prasad Agarwal (P.W. 8) to purchase a bicycle for Vijai Bahadur who was anxious to get a new bicycle. A bicycle was purchased for Rs. 160/- by Vijai Bahadur. The High Court further found that the deceased, who had the money with him, gave Rs. 160/- to the witness Rang Bahadur (P.W. 2) so as to be handed over to Ram Dahin.

Accessories of the bicycle were also purchased, the price of which came to Rs. 24/-  
Surya Prasad Agarwal (P.W. 8) produced the counterfoils both for the accessories and  
bicycle.

(4) The appellants persuaded Bali Ram to go with them to their own village Sardahi  
instead of going back to village Chaura.

(5) Bali Ram was last seen alive in the company of the appellants by Rajpati (P.W.  
10) during the evening at village Sardahi about a month before the recovery of the  
dead body of Bali Ram from a field of the appellants in village Sardahi.

(6) On August 16, 1953, on Rabindra Singh pointing out the body of Bali Ram  
deceased was recovered after digging from a field belonging to the appellants which  
lies at a distance of about 100 paces towards the south-west of the house of the  
appellants. The body of Bali Ram was duly identified. Some newly made cow-dung  
cakes, about twenty-five days old, were found covering the place where the dead  
body was found at the pointing out of Rabindra Bahadur Singh. An umbrella (Ext. 1)  
and a torch (Ext. 2) belonging to Bali Ram, which he was carrying with him when  
he accompanied the appellants, were found buried about 2 1/2 furlongs away in a  
field in which the dead body of Bali Ram was found. The umbrella and the torch were  
also recovered on the pointing out of Rabindra Bahadur Singh appellant. The  
appellants denied all the facts.

3. It seems to us that no persons other than the appellants would be anxious to bury the body. They  
had been seen by many witnesses with the deceased in village Chitbaragaon and village Ballia. They  
had left village Ballia in the company of the deceased and were last seen in village Sardahi with the  
deceased. In order to avoid suspicion falling upon them they would be keen to get rid of the body,  
even if the deceased was not murdered by them. That they buried it in their own field further shows  
their complicity. Burying in somebody else's field might have been dangerous. Their presence in  
other fields, if noticed, might have engendered suspicion. Their field is only about 100 paces from  
their house. Rabindra Bahadur Singh, appellant, who pointed out the place of burial, was about 13  
years old and is Ram Dahin's son. He could not have buried the body alone. Further the appellants  
denied the whole prosecution story. This again lends some assurance that they were denying the  
facts in order to conceal their participation in the crime. We are accordingly of the opinion that the  
High Court came to the correct conclusion. The appeal fails and is dismissed.

</html