

State of Punjab

Vs

Sucha Singh and Others

Criminal Appeal No. 46 of 1970

(H. R.Khanna, A. Alagiriswami JJ)

03.09.1973

JUDGMENT

KHANNA, J. -

1. This is an appeal by special leave by the state of Punjab against the judgment of the Punjab and Haryana High Court, setting aside in appeal the conviction of the seven respondents and acquitting them.
2. The respondents were prosecuted on the allegation that on July 5, 1966 at about 6 p.m., Amrik Singh and Ajit Singh P.Ws. went to the haveli of Bahadur Singh in village Ramana Chak to purchase milk. The seven respondents then came there. Two of the respondents, Sucha Singh and Jagir Singh, were armed with takwas. Dasondha Singh fired from his gun to deter others, while the remaining respondents caused injuries to Ajit Singh (P.W. 2) and Amrik Singh (P.W. 3). Ajit Singh and Amrik Singh were thereafter taken to V.J. Hospital Amritsar. Statement P.A. of Ajit Singh was recorded in the hospital by A.S.I Dalbir Singh at 2.15 p.m. on July 6, 1966. The statement was thereafter sent to police station Jandiala which is at a distance of about ten miles from the place of occurrence. A formal first information report was prepared at the police station on the basis of the statement P.A. of Ajit Singh. The accused respondents were thereafter arrested and sent up for trial.
3. The accused in their statements under Section 342 of the Code of Criminal Procedure denied the prosecution allegations. According to the defence version, Ajit Singh P.W., Amrik Singh P.W. and others had attacked Karnail Singh aged about 13, son of Sucha Singh accused, near the house of one Bawa Singh. It was stated that one Amrik Singh son of Pritam Singh had thereupon caused injuries to Ajit Singh and Amrik Singh P.Ws.
4. The trial Court accepted the prosecution case and convicted the respondents for various offences under Sections 148, 307, 324, 323 and 307 read with Section 149 Indian Penal Code and sentenced them to undergo various terms of imprisonment. On appeal the High Court found infirmities in the prosecution case and accordingly acquitted the respondents.
5. In appeal before us, Mr. Mahajan on behalf of the appellant State has referred to the evidence of Dr. Ved Prakash who found seven injuries on the person of Amrik Singh, P.W. When he examined him in V.J. Hospital, Amritsar at 10.30 a.m. on July 6, 1966. Out of them, three were incised wounds and four were contusions or contused wounds. One of the incised wounds was of grievous nature as it had resulted in partially cutting the bone on the left side of the head. Ajit Singh P.W. on examination by the doctor was found to have eleven simple injuries. One of those injuries had been caused with a sharp-edged weapon another with a sharp pointed weapon and the remaining nine

with blunt weapons. It is urged by Mr. Mahajan that the prosecution examined apart from the two injured persons four other eye witnesses of the occurrence. Those witnesses were Piara Singh (P.W. 4) Darshan Singh (P.W. 5), Bahadur Singh (P.W. 6) and Dasondha Singh (P.W. 7). The High Court in the face of the aforesaid evidence, according to the learned counsel should not have reversed the judgment of the trial court convicting the accused respondents. In this respect, we find that the High Court on a consideration of the entire evidence found that there had been inordinate delay in lodging the first information report. The occurrence as mentioned earlier took place at 7 p.m. on July 5, 1966. The Police Station is at a distance of only ten miles from the place of occurrence. No report was lodged at the police station till 2.15 p.m. on the following day when the statement of Ajit Singh P.W. was recorded in the hospital. Assuming that Ajit Singh and Amrik Singh were not in a position to go to the police station because of the injuries received by them, no explanation is forthcoming as to why others who had witnessed the occurrence did not go to the police station to make a report. Another infirmity which was found by the High Court in the prosecution case was that an attempt had been made by the prosecution witnesses to shift the place of occurrence. Blood-stained earth had not been found at the spot where according to the prosecution case the occurrence had taken place, but had been found at a different spot in a different lane. The High Court further found that the witnesses examined by the prosecution in this case were interested and their evidence was upon such which implicit reliance could not be placed. In our opinion, it was for the High Court to appraise the evidence which was adduced in this case. In the absence of any infirmity in the appraisal of the evidence by the High Court, we find no cogent grounds to reappraise the evidence. The fact that on the evidence adduced a different view could have been taken in the manner would not induce as to interfere with the judgment of the High Court. The appeal fails and is dismissed.

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