

SUPREME COURT OF INDIA

Jiya Lal

Vs.

State of M.P.

Crl.A.No.19 of 1972

(S. Murtaza Fazl Ali and P. S. Kailasam, JJ.)

17.01.1977

JUDGEMENT

FAZAL ALI, J.:-

1. The appellant has been convicted under Sec. 302 of Indian Penal Code and sentenced to imprisonment for life. The High Court after having considered the case rejected the appeal of the accused summarily. The High Court has, however, pointed out a number of circumstances which were relied on by the trial Court in convicting the accused. The learned counsel appearing for the appellant amicus curiae conceded that this case is clearly conceded that this case is clearly concluded by concurrent finding of facts. The only grievance that he has made was that it appears that the amicus curiae counsel before the trial Court was not given appropriate opportunity for defending the case and cross-examining the witnesses. It is true that in the memorandum of appeal to the High Court the counsel had made a prayer that some witnesses should be recalled to enable him to cross-examine them. But from a perusal of the evidence of eye-witnesses, particularly, the eye-witness P. W. 1, the wife of the deceased, it would appear that she was cross-examined at great length and even after the cross-examination the witness was re-examined and further allowed to be cross-examined. No complaint was made by the amicus curiae counsel in the trial Court and to the Sessions Judge that he was in any way handicapped or prevented from getting instructions from his

client or that he should be given any further opportunity to examine the witnesses. In these circumstances, we feel that the grievance made by the learned counsel for the appellant is purely illusory. We are satisfied that the prosecution case against the appellant is proved beyond reasonable doubt and we see no reason to interfere and the appeal is accordingly dismissed.

Appeal dismissed.