

SUPREME COURT OF INDIA

Surendra Nath Mahton

Vs.

State of Bihar

Crl.A.No.261 of 1972

(S. Murtaza Fazl Ali and O. Chinnappa Reddy, JJ.)

28.02.1979

JUDGEMENT

FAZAL ALI, J.:-

1. In this appeal by special leave, the appellant has been convicted under S. 302 I.P.C. and sentenced to imprisonment for life. The entire case rests on the dying declaration made by the deceased Sukhu and the evidence of P. Ws. 1 to 7, 11 and 15. Out of these witnesses, P. Ws. 2 and 3 are near relations who have been clearly mentioned in the F.I.R. The fact that the deceased made an oral dying declaration, is also mentioned in the F.I.R. After having gone through the judgment of the Courts below, we do not find any error of law to warrant any interference in this appeal. It is concluded by findings of facts. The appeal fails and is accordingly dismissed.

Appeal dismissed.