

Nanak

Vs

State of Uttar Pradesh

Criminal Appeal No. 228 of 1974

(Syed M. Fazal Ali, D. Chinnappa Reddy JJ)

01.02.1983

ORDER

This appeal is directed against the judgment of the High Court by which the acquittal of the appellant Nanak was set aside and he was convicted under Section 302, IPC and sentenced to imprisonment for life. The main witnesses who proved the occurrence were PW 1 Kundan, PW 2 Fakira and PW 4 Kanha. Sohanlal PW 5, an immediate neighbour of the accused saw the accused running away with a knife. PW 1 is also an independent witness and the enmity suggested is an old one. The learned Sessions Judge has disbelieved these witnesses as being interested and having enmity with the accused. After going through the judgment of the High Court, we are satisfied that the judgment of the Sessions Judge was absolutely perverse and there is no evidence on the basis of which the appellant could have been acquitted. The High Court has made a correct approach to the case. It was suggested by the counsel for the appellant that no motive had been proved. In the first place it has been stated by PW 1 Kundan that relations between husband and wife were not cordial. In a case of murder of the wife by the husband there are many considerations which have to be looked into and it is very difficult to know the exact motive in the circumstances of a given case. For these reasons, therefore, we are satisfied that the prosecution has been able to prove the case beyond reasonable doubt. This is not a case in which it can be said that the view taken by the Sessions Judge is reasonably possible. The appeal is accordingly dismissed.

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