

Daya Ram

Vs

State (Delhi Administration)

Criminal Appeal No. 193 of 1987

(Ranganath Misra, L.M. Sharma JJ)

19.01.1988

JUDGMENT

SHARMA, J. –

1. This appeal by special leave is directed against the judgment of the Delhi High Court confirming the conviction of the appellant under Section 302 of the Indian Penal Code and the sentence of life imprisonment imposed by the Additional Sessions Judge, Delhi.

2. The appellant Daya Ram was charged with the murder of one Ramjit, his business partner. According to the prosecution case, some difference arose between the two partners - the appellant and deceased Ramjit, which led to serious quarrel between them. On the intervention of one Swaran Lal who has been examined at the trial as PW 4, a settlement between the two partners was brought about but the appellant was not fully reconciled with the situation. They were involved in the business of sale and purchase of used mobil oil and the appellant objected to the deceased doing his business in a particular area. On April 28, 1983, the appellant and the deceased happened to meet at the Kakraula Bridge on Najafgarh Road, while they were proceeding in connection with their business. The appellant is said to have threatened the deceased not to engage in business in that area and as deceased Daya Ram (sic Ramjit) would not listen to him, he (appellant) whipped out a knife and assaulted Daya Ram (sic Ramjit), who died.

3. The post-mortem examination performed by Dr. L. T. Ramani (PW 9) disclosed 12 injuries on the body of the deceased, including a cut throat injury 3 1/2" x 1 1/2", two incised wounds on the left side chest wall and one incised wound 1" x 1/2" "placed on the left iliac region 1 1/2" medial to anterior superior spine". In the opinion of the doctor the injuries were ante-mortem and were caused by sharp-edged weapon and each of the aforesaid three injuries was individually sufficient to cause death in the ordinary course of nature.

4. The evidence led at the trial indicates that Niranjan Singh (PW 2) and Sangram Singh (PW 3) saw the appellant and the deceased exchanging hot words. Thereafter they saw the appellant running on the road towards their side with a knife in his hand. A three-wheel scooter driver Ram Mehar (PW 1) also happened to come to the place and saw that a man was being chased by 7-8 persons. PW 3 gave a lathi blow on the hand of the appellant and the knife fell off from his hand. All the three PWs were then able to overpower appellant Daya Ram and arrest him. P. K. Sabharwal (PW 6) happened to pass on his motor-cycle. He also saw the accused in the custody of PWs 1, 2 and 3. He (PW 6) immediately went to the police station and informed the police of the occurrence. Thereupon Sub-Inspector Sunil Kumar (PW 16) proceeded to the place of occurrence and PWs 1, 2 and 3 produced the appellant before him along with a knife. The Sub-Inspector found victim Ramjit

lying dead. Two bicycles which were, according to the prosecution case, used by the appellant and the deceased were also lying and were seized. The shirt and pajama of the accused were found to be stained with blood, and later on serological examination, they were found to be stained with human blood of the same group as that of the deceased. The learned Additional Sessions Judge who tried the appellant held him guilty for murder and sentenced him to rigorous imprisonment for life. An appeal was preferred and the High Court dismissed the same with a well discussed judgment.

5. When the case called out for hearing before us counsel for the appellant did not appear. Learned counsel for the respondent State (Delhi Administration) placed before us the relevant facts of the case and the High Court's judgment, and we have examined the matter closely. Although a number of witnesses have been examined by the prosecution, none of them has stated at the trial that he actually saw the appellant hitting the deceased with the knife. In spite of this position the evidence on the record leads to the irresistible conclusion that the appellant had killed Ramjit. The evidence of PWs 1, 2 and 3 established that the appellant was having a quarrel with the deceased and immediately thereafter he (appellant) was running with a blood-stained knife in his hand on the road and was apprehended by them with the aid of several other persons. Soon thereafter the Sub-Inspector of Police reached the place of occurrence and they handed over the appellant to him. In the cross-examination these witnesses stated that they could not be positive whether he was the same person as the accused in the dock but he looked like him. The witnesses were declared hostile and allowed to be cross-examined by the prosecution. In view of the evidence of the Sub-Inspector and the fact that the appellant was taken in custody by him on his production by PWs 1 to 3 (according to the evidence of the Sub-Inspector) there cannot be any doubt whatsoever that it was the accused who was apprehended by PWs 1, 2 and 3 and made over to the Sub-Inspector. The prosecution story is also supported by the evidence of PW 6. From the medical evidence established that the deceased died as result of injuries inflicted on him by a sharp-edged weapon. The clothes of the appellant were soaked with blood which on serological examination was found to belong to the same group as that of the blood of the deceased. All the prosecution witnesses are independent person, and there cannot be any reason for them to make a wrong statement. The motive for the assault by the appellant has also been established by oral evidence.

6. All these facts taken cumulatively form a chain so complete that there is no escape from the conclusion that within all human probability the murder was committed by the appellant and none else. The established circumstances do not admit of explanation on any other hypothesis than that of the guilt of the appellant. We, therefore, hold that the prosecution has established the charge beyond doubt, and the finding of the trial court and the High Court is correct. The appeal is accordingly dismissed.

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