

Brijbasilal

Vs

State of M.P.

Criminal Appeal No. 717 of 1979

(S.R. Pandian, Smt. M.S. Fathima Beevi JJ)

14.11.1990

ORDER

1. This appeal is directed against the judgment made in Criminal Appeal No. 321 of 1977 on the file on the High Court of Madhya Pradesh at Jabalpur dismissing the appeal preferred by the appellant challenging the correctness of the judgment of the trial court convicting the appellant under Section 302 IPC and sentencing him imprisonment for life.

2. The appellant took his trial on a charge that on August 7, 1976 at about 7 p.m. he committed the murder of deceased, Vishwanath, who is the father of PW 1 in the village Kaprora by firing gun shots. Though number of witnesses have been examined in support of the prosecution case, most of the witnesses have turned hostile except PW 1 who is none other than the son of the deceased, Vishwanath.

3. According to PW 1, he and his father while coming together from the bazar, the appellant herein fired four gunshots as a result of which the deceased died. The only argument advanced by the learned counsel appearing on behalf of the appellant is that both the courts below ought not to have accepted to sole testimony of PW 1 whose evidence is highly interested as PW 1 happens to be the son of the deceased. We went through the copy of the deposition furnished by the learned counsel for the appellant as well as impugned judgment meticulously. As pointed out by this Court in Chinniah Servai v. State of Madras [AIR 1957 SC 614] that plurality of witnesses is not necessary to prove a criminal charge and that a conviction can be based even on the sole testimony of a witness provided the testimony of that witness is wholly acceptable. Applying the above test, we, at the same time, bearing in mind the relationship of PW 1 with the deceased, examined the evidence carefully and are satisfied that the evidence of PW 1 is reliable and free from any infirmity. Therefore, we have no reason to refuse to act upon the testimony of PW 1 merely on the ground that he is the son of the deceased. Since the evidence of PW 1 is otherwise reliable and acceptable, we have no hesitation in agreeing with the finding of the High Court.

4. In the result, we confirm the judgment of the High Court and dismiss the appeal as devoid of any merit.

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