

SUPREME COURT OF INDIA

Ajit Singh

Vs.

State of Punjab

Crl.A.No.807 of 1979

(A.M.Ahmadi, V. Ramaswami and K.Ramaswamy JJ.)

19.03.1991

ORDER

Three appellants, Ajit Singh, Sukhdev Singh and Darshan Singh, have been convicted under S. 302/34, IPC for causing the death of Gurmej Singh. They have also been convicted under Sections 307, 324 and 323. IPC, respectively with the aid of S. 34 for causing injuries to PW 5 - Avtar Singh and PW 6 - Mohan Singh. Briefly stated, the prosecution case was that these three appellants along with Jai Ram were cultivating the land of Dilbagh Singh (original accused No. 5). On October 30, 1977 at about 5.30 p.m., Bachan Singh, Avtar Singh, Mohan Singh and deceased Gurmej Singh were near the samadhi of Baba Balak Nath when Dilbagh Singh arrived there. The deceased, Gurmej Singh, is stated to have asked Dilbagh Singh why he had misbehaved with his sister. On hearing this, Dilbagh Singh went to the house of Jai Ram and returned to the samadhi accompanied by the other four accused persons. Jai Ram was armed with a sua, Ajit Singh was armed with a Gandasi while Sukhdev Singh and Darshan Singh were armed with Dangs. Dilbagh Singh, it is stated, was armed with a knife. Jai Ram raised a Ialkara exhorting the others not to spare Gurmej Singh. So saying Jai Ram is stated to have given a sua blow near the neck of Gurmej Singh. However, as this part of the prosecution story was not found to be consistent with the medical evidence Jai Ram came to be acquitted. the prosecution story further was that Dilbagh Singh gave two knife blows to Gurmej Singh on the left flank and in the abdomen on receipt whereof Gurmej Singh fell on the ground. Prosecution witnesses, Avtar Singh and Mohan Singh, tried to rescue Gurmej Singh whereupon Ajit Singh gave two Gandasi blows on the head of Avtar Singh and one Gandasi blow on the head of

Mohan Singh. Accused Darshan Singh gave six or seven blows with his Dang to Avtar Singh while accused Sukhdev Singh gave three or four Dang blows to Mohan Singh. Thereafter, the assailants fled away with their weapons in the meantime, prosecution witnesses Gurmej Singh and Sewa Singh has also arrived and they too witnessed the incident. The injured Gurmej Singh died shortly after the occurrence. Dilbagh Singh has not questioned his conviction.

2. The medical evidence referred to in paragraphs 14, 15 and 16 of the Trial Court's judgment shows that the deceased had one incised wound on the upper part of the sternum 1/2" below the lower part of the neck, a stab wound on the left of the abdomen and another stab wound on the left side of the chest to the left of the nipple. So far as Avtar Singh is concerned he had two incised wounds and seven wounds on different parts of the body possibly by a hard and blunt substance. Mohan Singh had one incised wound over the surface of the head and three injuries possibly by a hard and blunt substance. The evidence of the prosecution witnesses against the appellant is that after Gurmej Singh was attacked when prosecution witnesses Avtar Singh and Mohan Singh went to his rescue, accused Ajit Singh gave two Gandasi blows on the head of Avtar Singh and one Gandasi blow on the head of Mohan Singh, accused Darshan Singh gave six to seven Dang blows to Avtar Singh while accused Sukhdev Singh gave three to four Dang blows to Mohan Singh. This part of the prosecution evidence is consistent with the medical evidence referred to earlier. The Trial Court placed reliance on the evidence of the said two injured witnesses as well as PW 5 - Bachan Singh. The Trial Court convicted Jai Ram and Dilbagh Singh also and, therefore, the conviction was recorded with the aid of S. 149, IPC, but since Jai Ram was acquitted by the High Court, the appellants were convicted with the aid of S. 34. The High Court also accepted the evidence of the aforesaid three witnesses so far as the appellants are concerned. We have been taken through the relevant part of the discussion in regard to the appreciation of their evidence by both the Courts and we are satisfied that both the Courts have correctly appreciated their evidence.

3. Counsel for the appellants, however, invited our attention to an observation made by the Trial Court in paragraph 35 of its judgment to the following effect:

"The blunt weapon injuries have been attributed to Dilbagh Singh and Sukhdev Singh accused on the persons of the two injured viz. Avtar Singh and Mohan Singh and in the opinion of the doctor, these injuries could be caused by Dangs."

Counsel submitted that since Dilbagh Singh was not armed with a Dang and since the Trial Court had not come to the conclusion that Darshan Singh had caused any injury with a Dang, the latter was entitled to the benefit of doubt. We do not see any merit in this contention. Having closely examined the judgment of the Trial Court, we are of the opinion that the name Dilbagh Singh in the aforesaid passage is a typographical mistake for Darshan Singh.

4. In the above view since we are satisfied that both the Courts had properly appreciated the

prosecution evidence, we see no reason to interfere in exercise of jurisdiction under Art. 136 of the Constitution. The appeal, therefore, fails and is dismissed.

Appeal dismissed.

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