

Harinder Singh

Vs

State of Punjab

C.A. No. 235 of 1981

(K. Jayachandra Reddy, G. N. Ray JJ)

11.08.1992

### JUDGMENT

1. The appellant is convicted under Ss. 392 and 397 of the Indian Penal Code and sentenced to undergo Rigorous Imprisonment for seven years and to pay a fine of Rs. 5,000/-. He is also convicted under S.342, I.P.C. and sentenced to undergo Rigorous Imprisonment for six months. Sentences are directed to run concurrently. The appeal preferred by the convicted accused was dismissed by the High Court. The present appeal is directed against the judgment of the High Court.

2. The appellant was gunman in the Pepsu Roadways Transport Corporation at Kapurthala. P.W. 11 Raghbir Singh was working as an Assistant Cashier in the same Corporation. It is alleged that on 22-10-1976 at about 8 p.m. the appellant robbed Raghbir Singh a sum of Rs. 32,936.84 and also caused injuries to him. He confined P.W. 11 in a room bolting it from outside. Raghbir Singh raised a hue and cry after the appellant left the place. One Kartar Nath noticed Raghbir Singh and on the information given by him went and informed Sham Lal and in turn the Police was informed. investigation was taken up. The A.S.I. reached the scene of the occurrence and he found Raghbir Singh confined inside the room and he found traces of robbery and also found serious injuries on the person of Raghbir Singh. The Doctor who examined Raghbir Singh found one lacerated wound on the left parietal region; a reddish bruise towards the right eye and another reddish bruise on the back of left hand and also an incised wound on the front of terminal phallanx of right index finger. The accused was absconding and he was arrested in the month of January, 1977. After completion of the . investigation a charge-sheet was laid. The plea of the accused was one of the denial that he was falsely implicated.

3. The learned counsel for the appellant submits that investigation was followed and the Police did not take prompt action and it is only out of the suspicion, the appellant has been implicated. We have perused the judgments of both the Courts below. From the above narration it can be seen that P.W. 11 is the principal Witness whose evidence is of great importance and the same has been accepted by both the Courts below. The injuries found on him and the fact that cash was missing and the traces of robbery at the scene of the occurrence would establish that the robbery in-fact had taken place and the same is not in dispute. In those circumstances, there is absolutely no reason as to why P.W. 11 should implicate the appellant. As a matter of fact, Kartar Nath gave the information to the effect that Raghbir Singh told him that the gunman of the Pepsu Roadways Transport Corporation robbed him and caused injuries. Further there is no explanation whatsoever as to why the appellant had a duty to perform absconded for two and a half months. Reasons given by the Courts below are sound and do not suffer from any infirmity. The appeal is dismissed.

Appeal dismissed.

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