

SUPREME COURT OF INDIA

Rajinder Sing

Vs.

State of Bihar

(G.T. Nanavati and B.N. Kirpal JJ.)

25.11.1997

JUDGMENT

NANAVATI. J.

Crl. Misc. Petition 6233/83 and Crl. M.P..... (application for discharging the advocate from the matter) are dismissed.

The appellants in Criminal Appeal No. 78/89 are challenging their conviction and the order of sentence passed by the First Additional Sessions Judge, East Chambaran, Motihari in S.T. No. 138/69 of 1978/81 and confirmed by the High Court. Writ Petition No. 543/92 is filed by accused Ramayan Singh whose S.L.P. was earlier dismissed by this Court.

The appellant have been convicted on the basis of the evidence of 2 eye witnesses P.W. 2 Amila Devi and P.W. 3 Bhagwani Devi. Both these witnesses have been believed by the trial court an also by the High Court. No good reason is advanced by the learned counsel for the appellant for taking different view as regards the credibility of these e 2 witnesses. We do not find any infirmity in their evidence. merely because they happened to be sister and mother respectively of the deceased their evidence cannot be discarded. In absence of any infirmity either in the appreciation of their

evidence or in the reasons given by the courts below we see no reason to interfere in this appeal and the writ petition. Both are, therefore, dismissed. The appellants in criminal appeal are directed to surrender to custody to serve out the remaining sentence.