

Anmol Singh

Vs

Asharfi Ram

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

26.11.1997

JUDGEMENT

NANAVATI, J.

1 Anmol Singh @ Anirudh Narain Singh, the original informant, has filed this appeal against acquittal of the respondents, Asharfi Ram and Rup Narain. Both of them were convicted along with accused Ganga Singh for causing death of Chedi Singh and Amrit Singh. The High Court confirmed the conviction of Ganga Singh but acquitted Anmol Singh and Rup Narain

2 It is contended by the learned counsel for the appellant that the courts below, having accepted the evidence of PW-10, as regards the assault made on his father, Chedi Singh, ought to have convicted Asharfi Ram and Rup Narain also along with Ganga Singh as all the three had assaulted his father together and caused his death. The High Court considered the evidence of PW-10 and held that he has not truly stated the manner in which Amrit Singh and his father were assaulted. The High Court also held that his evidence was not consistent with the medical evidence on record. We, therefore, agree with the finding recorded by the High Court that Ganga Singh had taken part in the assault on Chedi Singh but it is not proved beyond reasonable doubt that Asharfi Ram and Rup Narain also had assaulted his father and Amrit Singh

3 As rightly conceded by the learned counsel for the appellant and the State, Anmol Singh, PW-10, is the only eye-witness in this case. We find that in the FIR, he had named only three persons as the assailants, even though he had also stated that there was a mob of about 50-60 persons. His version in the FIR was different from the version given by him in the court. Even though, in the FIR, he did not name the assailants of Amrit Singh and Janardhan, he named them specifically while giving his evidence. Thus, this only eye-witness had made material improvements in his evidence. If, for this reason, his evidence has not been believed by the High Court, it cannot be said that the High Court has not correctly appreciated his evidence. As we do not find any infirmity in the appreciation of evidence or the reasons given by the High Court, the appeal is dismissed

4 The Bail Bonds are cancelled