

Naranjan Singh

Vs

Kuldip Singh and Others

Criminal Appeal No. 577 of 1989

(G. T. Nanavati, G. B. Pattanaik JJ)

09.12.1997

JUDGMENT

NANAVATI, J. –

1. After hearing the learned counsel for the appellant and going through the judgment of the High Court, we find that the view taken by the High Court is quite reasonable and, therefore, it does not call for any interference by this Court.
2. The trial court believed the evidence regarding presence of accused Kuldip Singh and his participation in the assault on the deceased. The High Court on the other hand has not believed his presence at the time of the incident. This is a finding of fact and we have now to proceed on that basis. Once it is accepted that he was not present, obviously he could not have taken any part in the assault on the deceased and, therefore, the question of exceeding the right of private defence cannot arise. For this reason, the appeal is dismissed.