

## **SUPREME COURT OF INDIA**

Before :- G.T. Nanavati and V.N. Khare, JJ.

Criminal Appeal No. 684 of 1990. D/d. 17.3.1998

Amrik Singh - Appellant

Versus

State of Punjab - Respondent

For the Appellant :- Mr. Rajeev Sharma, Advocate.

For the Respondent :- Mr. R.S. Sodhi, Advocate.

### **JUDGMENT**

**G.T. Nanavati, J.** - The appellant was tried along with three other accused for causing the death of Manna Singh. The trial court convicted him under Section 302 IPC and acquitted the other accused. The High Court confirmed his conviction as it found that the evidence of the three eye-witnesses, PW-2 - Swaran Singh, PW-3-Raj Singh and PW-4 - Amar Singh is quite consistent and their evidence proves that the appellant had given a barchha blow to Manna Singh on his chest which proved to be fatal. The High Court after appreciating the evidence also recorded a finding that their evidence did not require any corroboration.

2. However, it was contended by the learned counsel for the appellant that the three eye-witnesses had not specifically stated before the police when their statements were recorded under Section 161 Cr.P.C. that Amrik Singh had given the fatal blow to the deceased. Merely because the witnesses have not specifically stated which blow was given by which accused their evidence cannot be discarded if it is found to be otherwise reliable. The eye-witnesses had received injuries during this very incident; and therefore, their presence at the time of the incident has to be believed. They have specifically stated that after reaching the spot on hearing cries, they had prevented the accused from giving further blows to Manna Singh. With respect to this part of their evidence, they were not contradicted by their police statements. Therefore, there can be no doubt regarding their having seen the blows given by the appellant merely because they had not specifically referred to them in their police statements. The courts below have thought it fit to believe the evidence against Amrik Singh and we see no reason to differ from the finding recorded in that behalf.

3. As we find no substance in this appeal, it is dismissed.

4. The appellant was released on bail during the pendency of this appeal. His bail is cancelled and he is ordered to surrender to custody to serve out the remaining part of the sentence.

Appeal dismissed.