

P. Kunhali

Vs

State of Kerala

(G. T. Nanavati, S. P. Kurdukar JJ)

15.04.1998

JUDGMENT

NANAVATI J

1. The appellant was convicted by the trial court for causing death of one Sanjeevan. His conviction was based upon the evidence of P.Ws 1 and 2 who were accompanying the deceased and P.W. 3 who had seen the deceased and P.Ws 1 and 2 going together on the road. The trial court held that the evidence of P.Ws 1 and 2 deserved to be accepted particularly when it was corroborated by the evidence of P.W. 3 who was an independent witness.

2. The High Court on reappraisal of the evidence also came to the conclusion that the evidence of P.Ws 1 and 2 deserved to be accepted. The High Court has rightly observed that merely because P.Ws 1 and 2 were the friends of the deceased and possibly belonged to the same political party, their evidence could not have been discarded on the ground that they were partisan witnesses. The High Court was also right in rejecting contention that P.Ws 1 and 2 could not have seen the incident from the place where they were standing when knife blows were given to the deceased. The High Court also rightly rejected the contention that the prosecution had changed the place of incident as there was no substance in it. It has given good reasons in support of its finding. We see no good reason to differ from the findings recorded by the High Court.

3. It was lastly contended on behalf of the appellant that the High Court having disbelieved the evidence of P.Ws 1 and 2 regarding A.2 and A.3, ought not to have accepted it against A1 also A2 and A3 were given benefit of doubt as there was no clear evidence regarding the role played by them when the deceased was given knife blows by A.1. Therefore, acquittal of A2 and A3 by the High Court cannot be of any help to A.1.

4. We, therefore, see no reason to interfere with the judgment and order passed by the High Court. The appeal is, accordingly, dismissed.