

Md. Mahiruddin and Others

Vs

State of Bihar

Criminal Appeal No. 223 of 1997

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

23.07.1998

JUDGMENT

NANAVATI, J. -

1. The appellants are challenging the judgment of the Patna High Court in Criminal Appeal No. 10 of 1988, whereby the conviction of the appellants was upheld.
2. The three appellants were convicted under Section 302 read with Section 34 IPC for the murder of Bibi Matluwa by the trial court after considering the circumstances which were proved against them. The High Court on reappreciation of the evidence has also come to the conclusion that the prosecution had satisfactorily proved the incriminating circumstances which establish the guilt of the appellants. The trial court and also the High Court took into consideration the false explanation given by the appellants soon after the incident as regards the cause of death of Bibi Matluwa.
3. In our opinion, the courts below were right in relying upon these circumstances and the false explanation given by the appellants which supplied the missing link in the chain of circumstances which was otherwise complete.
4. Having gone through the evidence and the judgments of both the courts below, we are satisfied that they were rightly convicted by the trial court and their conviction has been rightly upheld by the High Court.
5. This appeal is, therefore, dismissed.