

**SUPREME COURT OF INDIA**

Ram Rakha

Vs.

State of Punjab

Crl.A.No.1278 of 1998

(G. T. Nanavati and Y. K. Sabharwal, JJ.)

09.02.2000

**ORDER**

1. The appellant and one Shinder Singh have been convicted by the Designated Court, Ferozepur at Bathinda in TADA File No. 81 of 16-4-93 for the offence punishable under Section 392, I.P.C. and Section 3 of Terrorist and Disruptive Activities (Prevention) Act. For the offence punishable under Section 392, I.P.C., they have been ordered to suffer rigorous imprisonment for three years and for the offence punishable under Section 3 of the Terrorist and Disruptive Activities (Prevention) Act to rigorous imprisonment for five years. Out of the two convicted accused only Ram Rakha, the present appellant has filed the appeal.

2. The trial Court, after appreciating the evidence of complainant, Bawa Singh, has held that his evidence establishes beyond any doubt that the appellant Shinder Singh and two others had come to his house on 10-11-92 at about 11.30 p.m. and asked the complainant to open the door. As soon as he opened the door, the appellant and Shinder Singh came inside the house and the appellant asked the complainant to hand over his rifle. They also threatened the complainant that if he did not do so, they would kill him. The complainant further told them that the rifle was not in the house but because of the threat given by the appellant he brought it and gave it to the appellant. The prosecution had also examined Sadhu Singh and Karnail Singh to prove that during that night those

accused had committed robbery of rupees three thousand belonging to Sadhu Singh and of one pair of ear-rings worth rupees one hundred of Karnail Singh.

3. We have gone through the evidence and we do not find any infirmity therein and have no doubt regarding the truthfulness of the version. We agree with the trial Court that both Ram Rakha, i.e. the appellant and Shinder Singh were guilty of taking away the licenced rifle of Bawa Singh and extorting rupees three thousand from Sadhu Singh and one pair of earrings from Karnail Singh. We hold that the appellant has been rightly convicted under Section 392, I.P.C. and Section 3 of the Terrorist and Disruptive Activities (Prevention) Act. We do not find any substance in this appeal. The appeal is accordingly dismissed.

Appeal dismissed.