

SUPREME COURT OF INDIA

Darshan

Vs.

State of Haryana

CrI.A.No.37 of 2001

(A. S. Anand CJI., R. C. Lahoti and Ashok Bhan JJ.)

19.09.2001

ORDER

1. Twelve persons were tried for offences under Ss. 302/149, 325/149, 324/149, 323/149 and 148, I.P.C. for an occurrence which took place on 28-3-1992 at about 7.45 a.m. in village Kansala. In the said occurrence one Rati Ram suffered fatal injuries while nine others including P.W. 5 Ram Karan, P.W. 8 Ram Kumar, P.W. 10 Roshni and P.W. 11 Satbir Singh belonging to the complainant party were injured. The First Information Report was lodged by P.W. 5 Ram Karan son of the deceased and was recorded by P.W. 13 SI Ishwar Singh. Investigation was taken in hand and after trial the learned trial Court convicted all the appellants for offences under Ss. 325/324/323/149, I.P.C. and S. 148, I.P.C. and sentenced them to undergo various terms of imprisonment and to pay fine. Only four out of the twelve namely, Takdir, Amar Singh, Sri Bhagwan and Darshan Singh were convicted and sentenced under Ss.302/34, I.P.C. to life imprisonment.

2. Aggrieved by their conviction and sentence, all the twelve convicts filed appeals in the High Court of Punjab and Haryana. Ram Chand, Lila, Jagdish, Chandgi Ram and Surje were acquitted by the High Court but the conviction of others were maintained and so was their sentence. Four of the convicts, namely, Takdir, Amar Singh, Darshan and Sri Bhagwan who had been sentenced to life imprisonment for an offence under Ss. 302/34, I.P.C. have preferred this appeal. The State has not filed any appeal against the acquittal of accused-Ram Chand, Lila, Jagdish and Chandgi Ram and Surje. The convicts Hawa Singh, Ballu and Naresh have not filed any appeal.

3. The prosecution case in short is that Bhima s/o Ballu had an altercation in which he slapped Kala s/o Lilu P.W. on 26-3-1992. A Panchayat was convened to settle the matter between the two families on 27-3-1992. It is alleged that on 28-3-1992 while the complainant party was present near the house of the complainant, they were attacked by the appellants and their co-accused. The accused party was armed with knives, pharsas, gandasas and lathis. After Ram Karan P.W. 5 lodged the F.I.R. with P.W. 13 SI Ishwar Singh at Police Station, the injured were sent for medical examination. The post-mortem on the deceased was performed by Dr. R. K. Wadhwa P.W. 3. At the trial prosecution examined various witnesses

including P.W. 5 Ram Karan, P.W. 8 Ram Kumar, P.W. 10 Smt. Roshni and P.W. 11 Satbir Singh, all injured and, thus, stamped eye-witnesses. The trial Court after careful appraisal of the evidence on the record recorded convictions and sentences as noticed above. The Division Bench of the High Court also after appreciating the evidence maintained the conviction and sentence of the appellants. Though, we are not happy with the manner in which an order of acquittal of Ram Chand, Lila, Jagdish, Surje and Chandji Ram was recorded by the High Court, for it gives no reasons in support of the view that they were entitled to benefit of doubt. However, since, there is no appeal filed by the State against their acquittal, we need not detain ourselves to consider this aspect any further.

4. Apart from the eye-witnesses account, the statement of the medical witnesses and the Investigating Officer who all connect the appellants with the crime, we find that Balu in this statement recorded under S. 313, Cr. P.C. has for all intent and purposes admitted that on 28-3-1992 an occurrence did take place in which the named accused as well as the named members of the complainant party participated resulting in the death of the deceased. According to him, the accused party attacked the complainant party in defence of Amar Singh and Takdir and in their own defence. However, evidence led by the prosecution which has stood the test of cross-examination well, clearly establishes that plea of self-defence taken by Balu in his statement under S. 313, Cr. P.C. is only an afterthought and has no basis.

5. Our analysis of the judgments and the evidence on the record shows that conviction and sentence recorded against the appellants is well merited. The appreciation of evidence by the trial Court and the High Court suffers from no infirmity whatsoever. This appeal has no merit. It fails and is accordingly dismissed.

Appeal dismissed.