

SUPREME COURT OF INDIA

Teju @ Tejsingh @ Tejkumar

Vs.

State of Maharashtra

CrI.A.No.54 of 2004

(B. N. Agarwal and H. K. Sema JJ.)

10.08.2004

ORDER

1. Heard learned counsel for the parties.

2. The sole appellant was tried and by judgment rendered by trial Court, he was acquitted of the charges under Section 376 of the Penal Code as well as Section 3(1)(xii) of the *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, but convicted under Section 302 of the Penal Code and death penalty was awarded. Against the order of acquittal, State of Maharashtra preferred an appeal before the High Court, whereas the appellant filed appeal against his conviction. Order of acquittal as well as conviction have been upheld but sentence of death awarded against the appellant has been commuted to life imprisonment. Hence, this appeal by special leave.

3. The present case is a case of direct evidence. Occurrence is stated to have taken place on 20.9.1997 between 4.00 to 5.50 p.m. and First Information Report was lodged very promptly at 6.00 p.m. on the same day at the police station by Leela Bai(P.W. 1), who is nobody else than mother of the victim and she stated therein that when her daughter, aged 16 years, did not return to the house, she along with P.W. 2-Shanti went in search of her and when she came across a rivulet found her daughter there and accused was pelting stones from the road. Seeing P.Ws. 1 and 2, accused fled away and thereafter P.Ws. 1 and 2 went to the rivulet and found the victim lying dead there. P.W. 1 has supported the prosecution case in all material particulars. Her substantive evidence in Court is consistent with the prosecution case disclosed in the First Information Report as well as her subsequent statement made before the police. Merely, because she was mother of the victim, on that ground alone, her evidence could not have been dis-believed. We do not find any infirmity in her evidence. P.W. 2 stated that P.W. 1 started with her from the village but P.W. 1 went ahead and she was following her. After some time P.W. 1 raised alarm that her daughter was being killed whereupon P.W. 2 found that the accused was fleeing away from near the place of occurrence. Apart from the ocular evidence, prosecution case is supported by medical evidence. We find that trial Court as well as High Court have convicted the accused after a detailed consideration and threadbare discussion of evidence and there was no infirmity therein so as to be interfered

with by this Court. For the foregoing reasons, we are of the view that the prosecution has succeeded in proving its case beyond reasonable doubts and the High Court was quite justified in upholding conviction of the appellant.

4. Accordingly, appeal fails and the same is dismissed.