SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Narayan Singh Vs. the State of Madhya Pradesh

Narayan Singh Vs. the State of Madhya Pradesh

SooperKanoon Citation : sooperkanoon.com/1039145

Court : Madhya Pradesh

Decided On : Aug-30-2013

Appellant : Narayan Singh

Respondent : The State of Madhya Pradesh

Judgement :

Cr.A.No.2114/2013.

30.8.13 Per B.D.Rathi,J Shri Deepak Singh, Advocate for the appellant.

Shri Vijay Pandey, Deputy Advocate General for the respondent no.1-State.

Heard on admission.

This appeal has been preferred under Section 372 of the Code of Criminal Procedure (hereinafter referred to as the Code.) being aggrieved with the judgment dated 22/07/2013 passed by Sessions Judge, Jabalpur, in Sessions Trial No.759/2012, whereby respondent Nos.2 to 4 namely Bhutta alias Vishnu Mallah, Asharam and Keshri Gond have been acquitted of the offences punishable under Sections 302 and 201 of the Indian Penal Code (IPC.

for short).Prosecution case, in brief, is that on 25/09/2012 at about 1.30 to 2.00 p.m.co-accused Sunnu @ Sunil Gond had come to the house of Bhagwan Singh (since deceased).Bhagwan Singh, after taking Rs.10,000/- from his wife, went with Sunnu to bring labour and when he did not return for 2 -3 days, his wife informed

her brothers-in-law Prakash Singh and Dhansingh.

On searching, when deceased was not found then on 03/10/2012 missing person report (Ex.

P/9) was lodged by the brothers of deceased at Police Station Patan.

On 4/10/12 Dhan Singh, Prakash Singh, Keshav Prasad etc.went in search of the deceased at Village Muderi, where they met Sunnu, who informed them that on 25/9/12, he had called his associates Bhutta Mallah, Asha Mallah and Keshri Gond, who had taken Bhagwan Singh to Khakariya Jungle and strangulated him to death by using a piece of cloth and that Motorcycle of the deceased was hidden in the Jungle of Mohad.

They took Sunnu to the Jungle, but taking advantage of darkness, he escaped.

On 5/10/12, they again went to the Jungle and in the bushes found Seat Cover of the Motorcycle, Safari Suit, White vest, White Gamchha, underwear and a pair of shoes, belonging to the deceased.

They also found a skull in the jungle and a few paces away, some bones were found scattered.

They went to Police Station Tendukheda, where Prakash lodged the report (Ex.P/6).Assistant Sub Inspector L.

Kanojiya reached the spot, seized the articles and prepared corresponding seizure memos.

After investigation, charge-sheet was filed.

Learned counsel for the appellant as well as learned Deputy Advocate General submitted that the impugned judgment was passed without proper appreciation of evidence on record and the same deserved to be interfered with.

Having heard the arguments advanced by the parties, record of the trial Court was perused.

Respondent Nos.2 to 4 were made accused only on the basis of extra judicial confession of convicted accused Sunnu alias Sunil.

Against these respondents, no other evidence was adduced by the prosecution.

Evidence of extra judicial confession is a very weak type of evidence and has to be substantially corroborated by other evidence.

However, no such corroborative evidence is available on record.

In the aforesaid premises, the trial Court found that the prosecution had failed to prove its case beyond a reasonable doubt.

We agree with the findings recorded by the trial Court that prosecution has failed to prove its case beyond reasonable doubt.

It is well settled that the judgment of acquittal should not be disturbed unless the conclusions drawn on the basis of evidence brought on record are found to be grossly unreasonable or manifestly perveRs.or palpably unsustainable.

Taking into consideration the reasons assigned on the face of evidence on record establishing the aforesaid facts and circumstances, the view taken by the learned trial Court was apparently a possible view.

As such, no interference is called for with the order of acquittal in question.

The appeal, being devoid of merit and substance, stands dismissed.

(AJIT SINGH) (B.D.RATHI) JUDGE JUDGE (and)

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com