

The State of Madhya Pradesh Vs. Kummu @ Kumer Singh

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Court : Madhya Pradesh

Decided On : Jul-29-2013

Appellant : The State of Madhya Pradesh

Respondent : Kummu @ Kumer Singh

Judgement :

Misc.

Criminal Case No.6262/2012 29.7.13 As per B.D.Rathi,J Shri Vijay Pandey, Deputy Advocate General for the applicant-State.

Heard on admission.

This is an application for grant of leave to appeal under Section 378(3) of the Code of Criminal Procedure (Code.

for short).By the impugned judgment dated 26/3/12 passed by II Additional Sessions Judge, Gadarwara in Sessions Trial No.152/10, respondents Kummu @ Kumer and Hemantsingh have been acquitted of the offences punishable under Sections 302 and 120B of the Indian Penal Code (for short the Code.) respectively.

As per the prosecution story, on 9/5/10 between 8.30 to 9.30 p.m., Revaram (since deceased) was seen ploughing his field by his brother Tulsiram.

Later on when Tulsiram could not contact Revaram on phone, he went to the hut situated at the field and found that Revaram was lying dead inside, having injuries on left side of his neck, left elbow, right hand, right leg, toe and waist, caused by some unknown person by sharp edged weapon.

Learned Deputy Advocate General, while making reference to the evidence on record, submitted that the trial Court has erred in appreciating the evidence and the judgment of acquittal deserves to be interfered with.

Having regard to the arguments advanced by the learned Deputy Advocate General, we have gone through the impugned judgment.

The whole case of prosecution is based upon circumstantial evidence.

During the couRs.of trial, it was revealed from the evidence of the witnesses, that there was illicit relationship between the deceased and Maltibai, who was wife of respondent no.1 and sister of respondent no.2.

However, the learned trial Court has found that against this backdrop, the chain of circumstantial evidence was not complete.

On perusal of the evidence and material available on record, we fully agree with the findings recorded by the trial Court based on the proper appreciation of evidence on record.

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 application, therefore, stands dismissed in limine.

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

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