

Ramdeen Vs. Anil

Ramdeen Vs. Anil

SooperKanoon Citation : sooperkanoon.com/1051059

Court : Madhya Pradesh

Decided On : Aug-23-2013

Appellant : Ramdeen

Respondent : Anil

Judgement :

Cr.A.No.1189/2011 23.8.13 Per B.D.Rathi,J Shri A.K.Tiwari, Advocate for the appellant.

Shri S.K.Kashyap, Government Advocate for the respondent no.2-State.

Heard on admission.

This appeal has been preferred under Section 372 of the Code of Criminal Procedure (for short the Code.) being aggrieved with the judgment dated 22/01/2011 passed by Special Sessions Judge, Harda in Special Session Case No.25/2009, whereby respondent No.1 has been acquitted of the offence punishable under Section 307 of the Indian Penal Code (IPC).

for short) and under Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 (for short the Act.) but convicted him under Section 326 of IPC.

Prosecution case, in brief, is that on 11/12/2008 at about 3.30, the complainant received a telephonic message that his cousin Mithun @ Ramjeevan was lying at

the culvert near Sukhni river in a serious condition.

When he reached there he saw that an Axe blow had been inflicted on his face .

FIR of the incident was lodged leading to registration of Crime No.632/2008 for the offence punishable under Section 307 of IPC.

After investigation charge- sheet was filed against the respondent No.1.

Learned counsel for the appellant as well as learned Government Advocate argued that the impugned judgment was passed without proper appreciation of evidence on record and respondent No.1 ought to have been convicted under section 307 of the IPC as well as under the Act.

Having regard to the arguments advanced by the parties we have gone through the impugned judgment and the evidence on record.

After appreciation of the entire evidence on record, trial Court found that the injuries received by the complainant had resulted into breaking of his three teeth and the lower lip was also cut and appeared to have been divided in two parts and the injury was bone deep.

However, the doctor had not opined that the said injuries were sufficient in the ordinary couRs.of nature to cause death and the same were not on any vital part.

Trial Court also found that the caste certificate was not produced by the complainant and the alleged offence was not committed on the ground that the complainant belonged to a Scheduled Caste.

Accordingly, the trial Court, while acquitting him of the offence under Section 307 of the IPC and 3(2) (v) of the Act, convicted under Section 326 of the IPC.

We agree with the findings recorded by the trial Court.

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