

The State of Madhya Pradesh Vs. Siraj

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Court : Madhya Pradesh

Decided On : Sep-25-2013

Appellant : The State of Madhya Pradesh

Respondent : Siraj

Judgement :

M.Cr.C.No.9212/2012 25.09.13 Per B.D.Rathi,J Shri S.S.Bisen, Government Advocate for the applicant- State.

Heard on admission.

This application for grant of leave to appeal has been preferred under Section 378(3) of the Code of Criminal Procedure (hereinafter referred to as the Code) being aggrieved with the judgment dated 15/5/2012 passed by VIII Additional Sessions Judge, Bhopal in Sessions Trial No.575/2010, whereby respondents namely Siraj; Chhote alias Ajaj; Mohammad Athar and Gyan Singh have been respectively acquitted of the offences punishable under Sections 294, 326 & 506 of the Indian Penal Code (for short the IPC).294, 324/34, 326/34 & 506 of the IPC; 294, 324, 326/34 & 506 of the IPC and 294, 324/34 & 326/34 of the IPC.

Prosecution case, in brief is that, on 14/4/2010 at about 11 p.m., when complainant Pavan Dhakad along with his friends Sachin and Shanu was taking dinner in a Hotel located at Jhulelal Market Square, Gandhinagar, Bhopal, respondent Gyan Singh started abusing him.

As complainant objected and proceeded towards his home, respondents Siraj, Chhote Khan and Athar, being armed with daggers, arrived at the Jhulelal Market Square and respondent Siraj dealt a dagger blow on the head of complainant, while respondent Athar inflicted dagger injuries on his left hand and both the thighs and all the respondents filthily abused him.

Pavan lodged Dehati Nalishi of the incident at Suditi Hospital, Bhopal, upon which FiRs. Information Report was registered at Police Station Gandhi Nagar and after investigation, charge-sheet was filed.

Learned Government Advocate submitted that the impugned judgment was passed without proper appreciation of evidence on record and the same deserved to be interfered with.

Having regard to the arguments advanced by the learned Government Advocate, impugned judgment and record of the trial Court were perused.

Existence of political rivalry between the parties is established from the evidence on record.

Material contradictions, omissions and exaggerations were found by the trial Court in evidence of complainant Pavan vis--vis Dehati Nalishi (Ex.P/1) lodged at his instance and his Police Statement (Ex.D/1). Eye-witness Shanu (PW3) was declared hostile and his evidence was not in conformity with that of the complainant.

Further, another eye-witness Sachin (PW2) also turned hostile.

Salauddin (PW6) and Ramjani (PW7) witnesses to seizure of daggers at the instance of respondents Siraj and Mohd.

Athar, were also declared hostile and have not supported the case of prosecution.

In the Forensic Science Lab Report (Ex.P/17) no opinion was given with regard to the blood found on the dagger (Article B) allegedly seized from respondent Siraj and uncertainty was indicated regarding the examination of human blood found on the dagger (Article C) allegedly recovered from Mohd.

Athar.

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.

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 perverse 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 judgment of acquittal in question.

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

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

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