

Ratan Garh Vs. State of Assam

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Court : Guwahati

Decided On : Feb-18-2014

Judge : K. Sreedhar Rao & P.K. Saikia

Appeal No. : Criminal Appeal (J) No. 27 of 2010

Appellant : Ratan Garh

Respondent : State of Assam

Judgement :

Sreedhar Rao, J.

1. Heard Mr. S. Agarwal, learned amicus curiae, and Ms. S. Jahan, learned Addl. Public Prosecutor, Assam.

2. One Bharat Karmakar is the deceased. There were differences between the family of the deceased and the accused. The accused suspected that the deceased was playing witchcraft on him and his family. Therefore, on 07.10.2008, at about 5 pm, the accused caused the death of Bharat Karmakar with a machete and, thereafter, voluntarily surrendered before the police on the next day, i.e., on 08.10.2008. The son of the deceased lodged the FIR on 08.10.2008 before the police. The GD Entry is also made on 08.10.2008.

3. The accused led the police and the bunches to an inaccessible place in a ditch where the dead body was traced. The dead body was subjected to postmortem.

The autopsy report disclosed that death is homicidal and the death is on account of fracture of the skull bone. The bloodstained clothing of the accused and also the weapon were seized and sent to Forensic Science Laboratory.

4. The investigating officer recorded the statements of material witnesses and, on completion of investigation, filed chargesheet against the accused. The accused is charged for committing offence under Section 302 IPC.

5. The trial Court, upon considering the evidence of motive, tracing of the dead body at the voluntary instance of the accused and admission of guilt of the accused in his statement under Section 313 Cr.PC., convicted the accused. The accused, being aggrieved, has filed this appeal.

6. On thorough consideration of the evidence on record, it discloses from the evidence of PW7 and PW10 that the dead body was traced at the instance of the accused and the accused had voluntarily surrendered before the police on the next day of committing the murder. The evidence also discloses that there were differences between the accused and the deceased. The accused himself, in his statement under Section 313 Cr.PC, admits all the incriminating circumstances put to him. Even at the time of hearing on sentence, the accused admits commission of the offence. The order of conviction and sentence is, therefore, sound and proper. Accordingly, the appeal is dismissed.

7. The fee of amicus curiae is fixed at Rs.7,000/and the State shall pay the same.

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