

State of M.P. Vs. Jaisingh and ors.

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Court : Madhya Pradesh

Decided On : Feb-22-2000

Reported in : 2000(4)MPHT267

Judge : Rajeev Gupta and ;Usha Shukla, JJ.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 147, 148, 149, 302 and 307

Appeal No. : Criminal Appeal No. 460/88

Appellant : State of M.P.

Respondent : Jaisingh and ors.

Advocate for Pet/Ap. : Ranbir Singh, Panel Lawyer

Disposition : Appeal dismissed

Judgement :

ORDER

Rajeev Gupta, J.

1. Appellant-State has preferred this appeal against the impugned judgment of acquittal dated 12-12-1987, passed by First Additional Sessions Judge, Sehore, in ST No. 48/85, whereby all the 4 respondents-accused persons were acquitted of the charges under Sections 148 and 307 read with Section 149, IPC.

2. This incident of violence which had taken place on 8-7-1984, gave rise to the registration of two separate cases, at Police Station Ahamadpur, Distt. Sehore, at Crime Nos. 53/84 and 54/84. The case at Crime No. 53/84 was registered on the report of one Kashiram against as many as 5 persons, including the 4 respondents for the alleged commission of the offences punishable under Sections 147/148 and 307/149, IPC for causing injuries to Madan Singh, Kashiram, Dilip Singh and Karan Singh. The other case at Crime No. 54/84 was registered on the report of respondent-Jai Singh against as many as 14 persons, including Madan Singh, Kashiram, Dilip Singh and Karan Singh, for the alleged commission of the offences punishable under Sections 147/148, 302 and 307 read with Section 149, IPC, for the commission of murder of Chandan Singh, father of the respondents Ramgopal and Nawal Singh, and for causing injuries to respondents Chand Singh, Ramgopal and Nawal Singh. Both these cases gave rise to two separate sessions trials, registered at ST No. 27/85 and ST No. 48/85.

3. The respondents-accused persons abjured their guilt and pleaded right of self-defence.

4. At the trial, the prosecution examined as many as 7 witnesses, whereas the accused persons examined 3 witnesses in their defence.

5. The trial Court, on considering the evidence of (D.W. 1) Dr. G.T. Khemchandani and (D.W. 2) Dr. S.K. Mishra, found it proved that Chandan Singh had sustained as many as 12 external injuries in the same incident and died a homicidal death and accused Chand Singh and Ram Gopal had sustained grievous injuries. On considering the evidence of the eye-witnesses examined by the prosecution at the trial, the trial Court found that these eye-witnesses have failed in giving satisfactory explanation about the injuries sustained by Chandan Singh, Ramgopal, Nawal Singh and Chand Singh and on the above findings, the trial Court recorded the impugned judgment of acquittal.

6. Shri Ranbir Singh, the learned Panel Lawyer vehemently argued that the trial Court has erred in discarding the evidence of the injured eye-witnesses (P.W. 1) Kashiram, (P.W. 2) Madan Singh, (P.W. 3) Karan Singh and (P.W. 4) Dilip Singh, only on the ground that they have not given satisfactory explanation about the

injuries sustained by the accused persons and Chandan Singh.

7. The fact that Chandan Singh had sustained as many as 12 external injuries on 8-7-1984, and died homicidal death stands proved from the evidence of (D.W. 1) Dr. G.T. Khemchandani. (D.W. 2) Dr. S.K. Mishra proved that accused Chand Singh and Ram Gopal had sustained as many as 7 external injuries each whereas third accused Nawal Singh had sustained 3 external injuries, Mewa Bai, mother of respondent No. 1 Jai Singh was also found to have sustained 4 external injuries. The evidence of (D.W. 1) Dr. G.T. Khemchandani further establishes that accused Chand Singh had also sustained fracture of his skull bone and humerus bone. Another accused Ram Gopal was also found to have sustained fractures of his left metacarpal bone and left tibia.

8. (P.W. 1) Kashiram, (P.W. 2) Madan Singh, (P.W. 3) Karan Singh and (P.W. 4) Dilip Singh in their deposition in the Court have not given any acceptable explanation in regard to the above mentioned multiple injuries, some of whom were serious in nature, sustained by the accused persons. The trial Court also took note of the fact that though there were other independent eye-witnesses of the incident but none of them was examined by the prosecution.

9. On a close scrutiny of the evidence led by the prosecution and the defence, we are satisfied that the trial Court has not committed any illegality in rejecting the evidence of the prosecution witnesses and in recording the impugned judgment of acquittal of the respondents-accused persons. The view taken by the trial Court cannot be said to be unreasonable or impossible one. In this view of the matter, we do not find any scope for interference in this appeal against acquittal.

10. For the foregoing reasons, the appeal against acquittal fails and is hereby dismissed. The impugned judgment of acquittal of the respondents-accused persons of the charges under Sections 148 and 307 read with Section 149, IPC, is hereby maintained.

11. The respondents are on bail. Their bail bonds shall stand discharged.