

Veerpal Vs. State of Haryana

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Court : Supreme Court of India

Decided On : Oct-16-1986

Reported in : 1986Supp(1)SCC733

Judge : K.N. Singh and; M.P. Thakkar, JJ.

Appeal No. : Criminal Appeal No. 371 of 1984

Appellant : Veerpal

Respondent : State of Haryana

Disposition : Appeal Allowed

Judgement :

K.N. Singh and; M.P. Thakkar, JJ.

1. On December 14, 1974, three dacoities took place in a village. It was the prosecution case that thirteen dacoits had come late in night and had committed dacoity at three houses. The appellant was charged with the offence of having committed dacoity on the aforesaid night along with others. The trial court and the High Court have recorded a concurrent finding of guilt on the basis of the evidence of prosecution witnesses who have identified the appellant as one of the dacoits.

2. It is not in dispute that no identification parade was held at any point of time. The accused along with the appellant were tried some seven years after the

occurrence. The appellant was for the first time identified as one of the dacoits at the trial when he was in the dock in the courtroom some seven years after the occurrence. We have taken into account the appreciation of evidence made by the trial court and the High Court. We have also scrutinised the evidence of the witnesses on our own. Having given our anxious consideration to the entire evidence and the facts and circumstances of this case we are not satisfied beyond reasonable doubt as regards the participation of the appellant. The evidence of identification of the appellant does not inspire requisite confidence. Our attention has also been called to the fact that some three months after the occurrence the appellant had made a disclosure statement on March 17, 1975 and that a gun, four cartridges and silver glass were recovered from under a tree in pursuance to the disclosure statement. We have taken into consideration the evidence on this point as also all the relevant circumstances but we are not satisfied that the evidence regarding the aforesaid recovery can be acted upon with safety. We are not satisfied that the prosecution has established its case beyond reasonable doubt. We accordingly allow the appeal and set aside the order of conviction and sentence. The appellant is on bail. He need not therefore surrender. His bail bonds will stand discharged. Order accordingly.

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