

Punit Ram Vs. the State of Madhya Pradesh

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Court : Supreme Court of India

Decided On : Jan-07-1969

Reported in : 1969(1)LC7(SC)

Judge : Shah,; Ramaswami and; Grover, JJ.

Acts : Evidence Act - Sections 27; Indian Penal Code (IPC) - Sections 302

Appeal No. : Cr. Appeal No. 122 of 1968

Appellant : Punit Ram

Respondent : The State of Madhya Pradesh

Disposition : Appeal dismissed

Judgement :

Grover, J.

1. This is an appeal by special leave from a judgment of the Madhya Pradesh High Court upholding the conviction of the appellant under Section 302 of the Indian Penal Code and also confirming the sentence of death which had been imposed on him.

2. Mst. Khojibai was an old woman who used to live alone in village Nagari, within the jurisdiction of police station Sihawa, , in the neighbourhood of the appellant's

house. She was apparently fond of wearing ornaments most of the time. On December 20, 1966 her house was found locked from outside. As she was not traceable Mansa Ram Saha P. W. 1 lodged a report, Exh. p-1 with the Sarpanch of the Gram Panchayat that her house was locked and she had not been seen anywhere. Mst. Urmilla P. W. 2. another neighbour of Mst. Khojibai, made a similar report Exh. P-2. The son of Mst. Khojibai lived in another village at a distance of 15/20 miles. The Sarpanch forwarded the reports made to him to the police station Sihawa. On morning of December 21, 1966 B.N. Tiwari Station House Officer is stated to have received information that P.W. 8 Mst. Shymabai the wife of the appellant had been telling P. W. 7 Bihar Ram that the appellant had brought four bags of paddy to his house but had not told her from where he had procured them. The Sub-Inspector sent for the appellant and interrogated him about Mst. Khojibai in the presence of various witnesses. The appellant gave information to him about the ornaments of the deceased and the bags of paddy and further stated that he had concealed the same in his house and would get them recovered. He further told the police that he had concealed the dead body of Mst. Khojibai in her house and that after locking the house he had concealed the keys of the outer door under a pile of fuel-wood.

3. The information given by the appellant was recorded (Exh. P-7) by the Sub-Inspector under Section 27 of the Evidence Act. The appellant is alleged to have taken the police party and the Panch witnesses to the house of the deceased. There he took out a key from underneath a pile of fuel-wood and the house was opened where the dead body of Mst. Khojibai was found. Gold and silver ornaments were also taken into possession from the house of the appellant as per seizure memo, Exh. P-8. The ornaments had been concealed in the beam of the roof wherefrom he took them out. In another room of the appellant's house certain gunny bags bearing the name of Rawatmal Pukhraj were also taken into possession. The ornaments which had been discovered were identified at a test identification parade by Mst. Urmilla P. W. 2 and Dhulurarn P. W. 4 as ornaments which belonged to the deceased and which she used to wear.

4. The case for the prosecution is based entirely on circumstantial evidence. The High Court was of the opinion that all the facts and circumstances which have

been stated were sufficient to sustain the conviction of the appellant. Mr. R.L. Kohli who has appeared as Amicus Curiae for the appellant has laid a great deal of emphasis on the first information report which was recorded at the instance of Dhuluram the son of the deceased on December 21, 1966 at 14.00 hrs. It is stated therein that Bharat Sahu of Nagari informed him that his mother's house was locked. When Dhulu Ram came he opened the lock of the door and noticed that his mother was lying facing downward in the 'goda' inside the room. It was further stated by him as follows :

'She has injuries on both sides of her neck and it has become black. There are injuries on her both ears. Blood has come out. 'Balls' of gold to be worn in the ears which are somewhat less to 4 'masas' which are woven in an ordinary gunny, with round 'thuriya', valued at about Rs. 45/

(2) 'Khinwas' of gold of both ears with 'Chhattas' ordinary, weighing about a 'tola'. I had got these ornaments prepared from Dhamtari. I do not remember. It is valued at Rs. 150/-

(3) 'Kardhan' of silver with 3 strings weighing about 44 'tolas' valued at Rs. 100/- My mother had purchased it from Chandanmal Seth of Nagri. I have no receipt. I can identify on seeing these ornaments. 'Dhan' also is stolen away. I do not know the quantity. I have seen (checked) other articles. They are found correct. My mother is killed and the thief has stolen away the property. The report is correctly recorded as stated by me. I want that investigation be made. Punitram Gond of Nagri has committed, murder of my mother.'

According to Mr. Kohli the police as also the panchas had opened the lock of the deceased's house much earlier and taken into possession ornaments etc. on the pointing out of the spot where they had been concealed by the appellant. It is suggested that there is a conflict between the version of Dhulu Ram and the rest of the prosecution case on the question of time and the manner in which the recoveries were made and the dead body of Mst. Khojibai was discovered. Mr. Kohli, however, agrees that when Dhulu Ram appeared in the witness box he was not asked any question on the point nor was the Sub-Inspector cross-examined in this behalf. We do not consider that any infirmity has been introduced by the

version of Dhulu Ram appearing in the first information report. It stands established and has been so found by the trial court and the High Court that all these discoveries were made at the instance of the appellant. The prosecution has also established that the bags containing 'dhan' (paddy) belonged to the deceased. Mst. Khojibai, according to the medical evidence, had injuries which showed that her death was due to asphyxiation owing to the pressure on the neck with both the thumbs and fingers and that she had died as a result of suffocation by strangulation. She had the habit of displaying, as it were, her ornaments which must have excited the greed of appellant who is stated to be a very poor person. The manner in which the ornaments had been concealed in the house of the appellant clearly shows that he was most anxious to put them at a place where they could not be seen by any one. The bags of dhan (paddy) which, as already stated, belonged to the deceased were also found in the inner room of his house. The key which was got recovered by the appellant had been concealed by him under a pile of firewood. All these facts were found sufficient to establish the guilt of the appellant and we have no doubt that he has been rightly convicted on this evidence which cannot be explained on any other reasonable hypothesis. 5. Mr. Kohli has contended that the possibility of some other person having killed Mst. Khojibai cannot be excluded. It is suggested by him that the appellant may have only received the property in respect of which robbery had been committed from the real culprit and he might have concealed the same in his own house for fear of getting involved in the crime. Such a suggestion is too far fetched to be seriously entertained.

The appeal fails and it is dismissed.

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