

Ranjit Singh Vs. State and ors.

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Court : Delhi

Decided On : Jul-28-2005

Reported in : 123(2005)DLT315; 2005(83)DRJ605

Judge : R.S. Sodhi, J.

Acts : Indian Penal Code (IPC) - Sections 34, 109, 120B, 147, 148, 149, 302, 304, 304(1), 307, 323, 341 and 427

Appeal No. : Criminal Revision Petition 117/2001

Appellant : Ranjit Singh

Respondent : State and ors.

Advocate for Def. : V.K. Malik, Adv.

Advocate for Pet/Ap. : Rajesh Aggarwal and; Mridul Aggarwal, Advs

Disposition : Petition dismissed

Judgement :

R.S. Sodhi, J.

1. Criminal Revision Petition 117/2001 is directed against the order dated 13.11.2000 of the Additional Sessions Judge, New Delhi in Sessions Case No. 11/1988, whereby the learned Judge has returned a finding that the guilt of A2 and

A3 (respondent nos. 2 and 3 herein), for offence under Section 304 (Part I) r/w Section 34 IPC has been brought home and A2 and A3 are held guilty under Section 304(1) IPC. The guilt of all other accused persons for remaining charges has not been proved, thus they are acquitted.

2. The prosecution's case as noted down by the Additional Sessions Judge is as follows:-

'The prosecution case indicates PW24 SI (now Inspector) RK Meena, the Investigating Officer (IO) on arrival at the scene with constable Jai Bhagwan found a large number of stones and pebbles lying on the road in front of the Bathak of Roomala. Ranjit Singh s/o Prem Raj was present at the scene. The IO recorded his statement as per Ex.PW1/A, whereupon the IO made his endorsement vide Ex.PW24/A and got an FIR registered for offences u/s 147/148/149/341/323/427/307/120B and 109 IPC as per Ex.PW13/A by sending his rukka through constable Bhagat Ram, who had also reached the scene. As per the allegations made in the FIR, Ranjit (PW1) claimed himself to be resident of village Mandi and an agriculturist. He claimed that in the evening of the date of incident he was coming from Mehrauli to village Mandi driving car No.: DIA-62 accompanied by Ram Singh s/o Roomala (PW2) and Sukhbir Singh s/o Khazan Singh (PW-4), both residents of same village. He claimed that he was going to drop these two persons, presumably near their residence, and when at about 7.00 PM his car reached near the house of Basant Ram s/o (who was sent up as accused No. 13, but discharged on 3.8.88), Bansi (A-22), Kripa Ram (A-4), Sunder (A-20), Roop Chand (A-3), Tej Ram @ Teja (A-1) and Ranbir (A-15) encircled the car and started attacking on the vehicle with lathis (wooden sticks) which they were holding and also pelting stones at it. Ranjit alleged that Teja exhorted others to the effect that on seeing this, he somehow managed to bring his car near the Bathak of his uncle Roomal, but was pursued by the aforesaid six persons up to the said place. In the meantime, the members of family of Ranjit also came on the scene on hearing the noise and pleaded with the aforesaid six not to do so, but at that time 15 other persons are stated to have joined the aforesaid 6, some of whom were holding wooden sticks and then attacked Ranjit, the two persons accompanying him and members of his family/brotherhood with lathis and stones.

These 15 others allegedly included Kalu Ram (A-2), Swarup Chand (A-5), Gallad (A-7), Dunder (A-7), Horam (a-8) Ikkan (A-9), Devi (A-10), Jai Prakash (A-11) Teka (A-12), Neka (A-14), Sish Ram (A-16), Ram Kishan (A-17), Ram Mehar (A-18), Suresh (A-19) and Het Ram (A-21).

3. The FIR alleged that as a result of this attack, Vishram s/o Roopa, an uncle of Ranjit, sustained number of blows on his head and other parts of the body with the help of wooden sticks at the hands of A1 Tej Ram, A2 Kalu Ram and A3 Roop Chand. Ranjit claimed he himself had sustained an injury in his middle finger of his right hand due to wooden stick blow by Het Ram A21 and had also sustained injury due to being hit by a stone in his chest. He claimed as a result of this attack, Ram Singh (PW2), Sukhbir (PW4), Ram Phool (not produced), Dharam Singh (not produced), Sat Prakash (PW5), Siri Chand (not produced), Roomal (not produced), Bhrum Singh (PW3) and Chhattar Singh (PW6) had also sustained injuries and the car had been badly damaged. The FIR claimed public had intervened and on arrival of PCR vehicle, the assaulting party had withdrawn. He reported that Visram had sustained serious injuries.

4. On the conclusion of investigation, charge sheet was laid before the Id.M.M. On 18.5.87. It appears Vishram died as a result of injuries sustained, 9 days after the occurrence. The prosecution sought trial of 22 persons mentioned as accused in the charge sheet for offences u/s 147/148/149/341/427/307/302/109 and 120B IPC. The Id.MM took cognizance and summoned all the accused and after supply of copies, the case was committed to the court of Sessions as per order dt.22.7.87.'

3. It is contended by counsel for the petitioner that he is aggrieved of the judgment and order of the trial court, inasmuch as the offence that has been committed should have been under Section 302 and not under Section 304 (Part I). He draws my attention to the statement of PW-4, Sukhbir, where PW-4 is stated to have said that the deceased had fallen on the ground and was assaulted and given injuries while he was on the ground. This, counsel claims, clearly shows the intention of the accused to cause death to the deceased.

4. I have gone through the judgment under challenge and have also gone through the statement of PW-4, Sukhbir, as also the portion of the statement referred to. The witness was confronted with his previous statement in which the witness has not stated so. In any event of the matter, the main target of the accused according to prosecution was Ranjit Singh, PW-1. He has been left untouched. This goes to show that there was no intention to cause death of the deceased and that the injury which has resulted in his death can only be punishable with Section 304 (Part I).

5. The trial court was right in arriving at its conclusion. In this view of the matter, I find no infirmity in the order under challenge nor does the same appear to have not occasioned any failure of justice.

6. Criminal Revision Petition 117/2001 is dismissed.

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