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Court : Rajasthan

Decided On : Jun-26-1953

Reported in : 1954CriLJ235

Judge : Nigam, J.C.

Appellant : Shewaram Deepchand and ors.

Respondent : The State

Judgement :
ORDER

Nigam, J.C.

1. Shewaram, Iswarlal, Narain and Shri-rang were convicted by the learned Sessions Judge, Ajmer of offences under Section 395 read with 8. 397, I. P. C. and Section 19 (e), Arms Act. Each one of them was sentenced to eight years' rigorous imprisonment and a fine of Rs. 250/- under Section 395/397, I. P. C. and two years' rigorous imprisonment under Section 19 (e), Arms Act. The learned Sessions Judge directed that both the substantive sentences were to run concurrently.

Against their conviction and sentence, the four accused persons named above preferred appeals from the Jail which were dismissed by this Court on 27-4-1953. Now these four persons have filed petitions for permission to appeal to the Hon'ble Supreme Court. In these petitions I have heard the four petitioners and the learned

Assistant Public Prosecutor. As ail the four petitions arise out of one case, they have been heard together and are being disposed of by one judgment which will govern all of them.

2. It has not been urged that any substantial question of law is involved in this case. Ishwarlal has urged that no description of the culprits has been given in the First Information Report. He has also objected to the identification parade and has pointed out that he was not shaved and groomed before the identification parade. This objection does not appear to have been urged before the Magistrate. Hs has also urged that he made a confession at the behest of the Police and in support thereof he had asserted that a sum of Re. 1/- was deposited for him by a Police constable. He has referred me to the evidence of S. H. Mohna. I have referred to the statement of P. W. 13 S.H. Mohna and do not find any mention of any deposit in the name of the accused. The Hindi statement of the witness was handed over to the accused and he was, even with the help of his co-accused, unable to point out the passage in which S. H. Mohna had stated that a sum of Re. 1/- had been deposited for the accused by the Police constable. He has further urged that there was no satisfactory evidence to prove the sale of the car at Jaipur to him. At the time of his arrest, no weapon or stolen property was found on his person.

3. Narain's contention is that nothing incriminating was found on his person and that he was shown to the prosecution witnesses in the Thana.

4. Shewaram asserts that no value should be attached to the evidence of the identifying witnesses as he was shown to them in the P. S. Kotwali where he was locked up. No identifying witness gave any description of any person whom he had come to identify before identifying them and there wan no squlnteyed person in the parade. He has also urged that he was arrested 300 yards away from the scene of occurrence and that nothing incriminating was found on his person. As regards his confession he has stated that he was made to sign a confession, which had been already written out by the Magistrate.

5. Shrirang's assertion is that he was beaten and thus compelled to make a confession. He also urges that no witness stated that he had seen this accused in the car or running away from it,

6. The points urged by the petitioners should have been urged in the appeal or before the trial Judge. There is ample evidence on the record. In fact, three of the petitioners made confessions (which?) they later withdrew. Nothing has been shown to justify the conclusion that any injustice of a serious and substantial character has occurred. The learned Assistant Public Prosecutor has referred me to - 'Laxminarayan v. State' AIR 1952 Madh B 170 (FB) (A).

7. No other point has been urged before me.

8. I, therefore, see no reason for considering this as a fit case for appeal to the Hon'ble Supreme Court. Accordingly, I reject the petitions. The petitioners, who are present, are informed.

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