

Hari Narayan Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Apr-28-1978

Reported in : 1978WLN(UC)123

Judge : C. Honniah, C.J.

Appeal No. : S.B. Criminal Revision Petition No. 62 of 1974

Appellant : Hari Narayan

Respondent : The State of Rajasthan

Disposition : Petition allowed

Judgement :

C. Honniah, C.J.

1. This is a case in which the courts below mechanically appreciated the evidence without subjecting the evidence to judicious scrutiny; the result being that injustice has been done to the accused.

2. The facts that gave rise to the prosecution of the accused, briefly stated, are these : On July 10, 1971, Stephen (P.W. 8), a Drilling Officer, left for Singhana to go to a picture house at Singhana. On the way, the accused was picked up to accompany him. After reaching Singhana, Stephen went to the picture house leaving the Jeep bearing No. MHN 2984 in charge of the accused. According to

the prosecution, thereafter the accused took the vehicle on his own and met with an accident near about Khetri, as a result of which one person died & two sustained injuries. The case was put up against the accused alleging that he drove the vehicle rashly and negligently.

3. The defence of the accused was that Stephen, at the relevant point of time, was driving the vehicle and that the accident happened on the way to Singhana and that he did not drive the vehicle.

4. The prosecution case was sought to be established only on the evidence of Stephen. According to Stephen, he went to the picture house leaving the vehicle in charge of the accused and some time later the accused met him, when he was in the picture-house and confessed before him that while driving the vehicle he met with an accident. This evidence of Stephen has been accepted by the courts below. If the courts below had applied their minds properly to the circumstances available in the case and had subjected the evidence of Stephen to proper judicial test, they would not have come to the conclusion that they have arrived at. The facts stated by the prosecution itself clearly point to the accused, at any rate, could not have been the driver of the vehicle at the relevant point of time although those facts directly and indirectly suggest that in all probability, Stephen must have been driving the vehicle at the relevant time. Extra-judicial confession is a weak type of evidence unless that evidence finds corroboration, it is dangerous to act upon such evidence. This is a case where there is no evidence at all and I am constrained to observe that the courts below have acted upon such evidence to base conviction.

5. I, therefore, allow this revision petition, set aside the order of conviction and sentence passed against the accused and acquit him.