

**Ranveer Singh Vs. State of Rajasthan**

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**Court :** Rajasthan

**Decided On :** Jan-16-2001

**Reported in :** 2001CriLJ1666

**Judge :** V.G. Palshikar and; S.K. Sharma, JJ.

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

**Appeal No. :** D.B. Crl. Appeal No. 577 of 1997

**Appellant :** Ranveer Singh

**Respondent :** State of Rajasthan

**Advocate for Def. :** A.R. Nikub, Public Prosecutor

**Advocate for Pet/Ap. :** Suresh Kurnbhat, Adv.

**Disposition :** Appeal dismissed

**Judgement :**

**V.G. Palshikar, J.**

1. This appeal is directed against the order of conviction passed by learned Sessions Judge, Merta in Sessions Case No. 1/96 on 4-10-1997 convicting the accused under Section 302, I.P.C. and sentenced him to suffer life imprisonment and to pay a fine of Rs. 500/-.

2. With the assistance of the learned counsel for the accused and the learned Public Prosecutor for the State, we have scrutinised the record and reappreciated the evidence on record.

3. From reappreciation of the evidence on record, the prosecution story as disclosed is that : on 17-8-1995, Badan Singh P.W. 1 lodged a F.I.R. alleging therein that on the same day at about 7.00 or 7.15 a.m. he was sitting at his Guvad, at that time, his younger brother's son Pabudan Singh came and sat near Charbhuj temple. Ranveer Singh came there having knife with him and inflicted knife blows on the chest of Pabudansingh. Another blow was inflicted on the back of chest while Pabudansingh was standing. Jagmal Singh P.W. 6, Bhopal Singh P.W. 2 Ramsingh, P.W. 5 and his wife Mohan Kanwar P.W. 4 came for rescue. Accused struck two knife blows. Pabudansingh fell down and became unconscious and ultimately died. On 16-8-1995 at night, there was altercation between Ranveer Singh and Pabudan Singh, therefore, Ranveer Singh inflicted knife blows on Pabudan Singh.

4. On this information, the case was registered Under Section 302, I.P.C. The accused was arrested on 17-8-1995. The accused gave information Under Section 27 of Evidence Act regarding knife on 18-8-1995, at 1.00p.m. On this information, the knife was recovered. After completion of investigation, the prosecution filed the challan against the accused. The case was committed to the Court of Session Judge, Merta who after trial, convicted and sentenced the accused as aforesaid.

5. The prosecution has examined as many as 13 witnesses to prove its case. Of them, P.W. 1 Badan Singh is an eye-witness who lodged the First Information Report. The prosecution has examined Bhopal Singh, Smt. Mohan Kanwar, Jagmal Singh and Bheru Singh as eye-witnesses to the incident which occurred on 17-8-1995, out of them, P.W. 6 Ram Singh and P.W. 8 Bheru Singh were declared hostile as they did not support the prosecution, though having stated in favour of prosecution during the course of investigation.

6. P.W. 1 Badan Singh who lodged the First Information Report has given a very good description of the entire occurrence and he has been corroborated on material particulars of P.W. 2 Bhopal Singh, P.W. 4 Smt. Mohan Kanwar and there

is no material contradiction in the evidence of any of these witnesses. The learned trial Judge has committed no error in accepting the evidence of these persons.

7. In view of the fact that the ocular evidence in this case is liable to be accepted for the reasons stated by the learned Judge as also the evidence is acceptable according to us as it does not disclose any infirmity which requires rejection of the evidence, the conviction is liable to be maintained. The fact that some of the witnesses have turned hostile or P.W. 3 Bhanwar Singh has gone hostile and, therefore, there is doubt regarding recovery of knife becomes insignificant for the reasons that the ocular evidence is more than sufficient for that purpose. The conviction of the accused-persons as recorded by the learned trial Judge cannot be doubted merely because some of the eyewitnesses do not support the prosecution at a later stage, it cannot be said relying on their testimony that the description given by other eye-witnesses who were not declared hostile becomes shaky. There is, therefore, no reason to interfere with the judgment of conviction. We see no reason to interfere with the order of sentence also.

In the result, the appeal fails and is dismissed.

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