
(2001) 02 SC CK 0046
In the Supreme Court Of India
Case No : Criminal Appeal No. 386 of 1992

State of Rajasthan

APPELLANT

Vs

Ganpat Singh and Others

RESPONDENT

Date of Decision : 06-02-2001

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 149, 302, 326

Citation : (2001) 2 ACR 1554 : (2001) 5 JT 311

Hon'ble Judges : A. S. Anand, C.J.; Shivaraj V. Patil, J; R. C. Lahoti, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

A.S. Anand, C.J.I., R.C. Lahoti and Shivaraj V. Patil, JJ.—Respondents were sent up for trial in connection with an occurrence which took place on 23rd February, 1987, in which Mohd. Safi sustained injuries with lathis and barchhis at the hands of the Respondents and died. The Respondents were tried for offences under Sections 302/149, 147 and 148, I.P.C. After recording of evidence, the learned Sessions Judge, vide judgment dated 23rd November, 1989, acquitted all the Respondents of the charges u/s 302/149, I.P.C. They were, however, convicted for offences under Sections 326/149, 147 and 148, I.P.C. and sentenced Ganpat Singh and Lal Singh to undergo R.I. for 5 years and to pay a fine of Rs. 2,500 each for the offence u/s 326/149, I.P.C., 6 months R.I. for the offence u/s 147, I.P.C. and one year R.I. for the offence u/s 148, I.P.C. In default of payment of fine the accused were to undergo six months" R.I. So far as Respondents Sawant Singh, Sumer Singh and Rameshwar Lal are concerned, they were convicted and sentenced for the offences under Sections 326/149 and 148, I.P.C. and awarded the same sentence as Ganpat Singh and Lal Singh but they were not convicted for the offence u/s 147, I.P.C. The State sought leave to prefer an appeal against acquittal of the Respondents for the offence u/s 302/149, I.P.C. before the High Court. Leave was refused by the High Court vide order dated 22nd February, 1991. By special leave, the State is before us.

2. We find that the accused-Respondents had also preferred an appeal against their conviction and sentence recorded by the learned Sessions Judge, Bikaner, on 23rd November, 1989, in the High Court. That appeal (S. B. Cr. A. No. 450 of 1989) was dismissed by a detailed order by the High Court on 28th July, 1999. After reappreciating the evidence carefully, the conviction and sentence, as recorded by the Sessions Judge, against the Respondents was maintained.

3. We have perused the judgments of the trial court as well as of the High Court in S.B. Cr. A. No. 450 of 1989. After hearing learned Counsel for the parties and examining the record, the medical evidence in particular, we find that the judgment of the learned Sessions Judge, Bikaner, dated 23rd November, 1989, is based on correct appreciation of evidence and indeed required no interference at the hands of the High Court as it suffered from no perversity or unreasonableness. The High Court, therefore, rightly refused to grant leave against the acquittal of the Respondents for the offence u/s 302/149, I.P.C. We are not persuaded to take a different view.

4. The present appeal has no merits. It fails and is dismissed.

5. The Respondents are on bail. Their bail bonds shall stand discharged.