

(1993) 04 SC CK 0007

In the Supreme Court Of India

Case No : Criminal Appeal No. 345 of 1988

State of Rajasthan

APPELLANT

Vs

Sughad Singh and others

RESPONDENT

Date of Decision : 15-04-1993

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 302

Citation : AIR 1994 SC 1593 : (1994) CriLJ 2188

Hon'ble Judges : N.P. Singh, J;K. Jayachandra Reddy, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

K. Jeyachandra Reddy, J.—This is an appeal against acquittal. Five respondents along with four others were tried for offences punishable under Sections 147 and 302, I.P.C. The trial Court convicted A-1 and A-9 u/s 302, I.P.C. and sentenced them to undergo imprisonment for life and three others (A-4, A-6 and A-8) for minor offences and acquitted the rest. The convicted accused preferred an appeal. The High Court taking into consideration that some of the accused received injuries and that the prosecution party were aggressors and the evidence of P.W. 2, the main eye-witness, is not reliable acquitted them. Hence this appeal pursuant to the special leave granted.

2. The learned Counsel for the State submits that the P.W. 2's evidence was found to be trustworthy by the trial Court and his presence at the scene of occurrence cannot be disputed and mere non-explanation of the injury on the accused is not proved.

3. In this case the main question that arises for consideration is whether the plea of defence is probable. It is their case that they were in possession of the land and the deceased and others formed into an unlawful assembly committed acts of aggression and also inflicted injuries on the accused. The accused resisted the same and during the course of which the deceased, (Udaipal) happened to

receive four injuries. The medical evidence shows that there is one lacerated wound on left parieto-temporal bone and another contused wound on the right parietal region and the remaining two injuries are only swellings. These injuries themselves show that during the course of that fight he must have received these injuries by the accused in exercise of their right of private defence.

We see no good ground to interfere. The appeal is dismissed accordingly.