

PETITIONER:
SHANKAR LAL

Vs.

RESPONDENT:
STATE OF HARYANA

DATE OF JUDGMENT: 22/07/1998

BENCH:
G.T. NANAVALI, S.P. KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

NANAVALI, J.

The appellant was tried for the offences punishable under Sections 324 and 307 IPC, Section 27 of the Arms Act and section 6 of the Terrorist and Disruptive Activities (prevention) Act, 1985 in the Designated Court, Bhiwani at Hissar. The Allegations against the appellant were that on 25.6.86 at about 8.30 p.m. he assaulted Devi Lal with a knife and gave repeated stab blows to him, in view of the previous enmity between him and the appellant. In order to prove its case the prosecution mainly had heard the cries of Devi Lal himself and his father Hari Singh, who according to the prosecution had heard the cries of Devi Lal and seen the assault on him. The Designated Court believed the evidence of both the witnesses and convicted the appellant for the offences punishable under Section 307 IPC and Section 27 of the Arms Act read with Section 6(1) of the TADA Act.

Aggrieved by the order of conviction and sentence imposed upon him, the appellant has filed this appeal.

Learned counsel for the appellant has taken us through the evidence of PW 7 Hari Singh and PW 6 Devi Lal. From the cross examination of PW 6 Devi Lal, it appears that the attempt of the defence was to point out that he was in an intoxicated condition on the date of the incident and was beaten by the villagers as he was found teasing women. This suggestion was denied by the witness and there is no other material on the basis of which it can be said that this witness was under influence of liquor and had misbehaved with anyone. He had categorically stated that when he was returning after taking medicine for this mother and was near Sri Ram Mandir, he was attacked by the appellant. Nothing was brought in the cross examination on the basis of which it can be said that he was not telling the truth. The defence was able to extract only 2 or 3 omissions which are on minor points and do not affect the veracity of this witness. There is evidence to show that there was enough light at the place of incidence. The accused was a known person and, therefore, there was no difficulty in identifying him. As soon as this witness and regained consciousness and was in a position to give a statement, he

had named appellant as the person who had given him the knife blows. Even if evidence of his father Hari Singh in discarded on the ground that possibly he could not have seen the actual assault on his son as he had come out of his house after hearing his cries, as contended by the learned counsel for the appellant, that will not have any effect on the conviction of the appellant as the evidence of Devi Lal is quite sufficient to sustain it. As we find no infirmity in the trial court's judgement even after reappreciating the evidence, the appellant's conviction deserves to be maintained.

This appeal is, therefore, dismissed. The bail of the appellant is cancelled. He is directed to surrender to serve out the remaining sentence.

JUDIS