

CASE NO.:
Appeal (crl.) 1091 of 1997

PETITIONER:
Pradeep Singh

RESPONDENT:
State of Rajasthan

DATE OF JUDGMENT: 26/03/2004

BENCH:
K.G. Balakrishnan & B.N. Srikrishna.

JUDGMENT:
J U D G M E N T

K.G. BALAKRISHNAN

The appellant, Pradeep Singh was tried along with another co-accused, Vikram Singh, for the offence punishable under Section 302 IPC. Both of them were found guilty by the Sessions Court. They filed separate appeals before the High Court of Rajasthan. The Division Bench of the High Court confirmed the conviction and sentence of the present appellant, Pradeep Singh. The judgment of the Division Bench is challenged before us.

The prosecution case is that on 22.6.1992 at about 8 A.M., PW-8 Maniram, a head constable attached to the Hanumangarh police station, saw the dead body of a young person near Shiv Mandir cinema. He went to the Hanumangarh police station and gave information to PW-10 Govindram, the Sub Inspector of Police. On the basis of the information given by PW-8, a case was registered under Section 302 IPC and PW-10 immediately visited the place where the dead body had been found. He prepared the site plan and took photographs of the dead body and they were sent for post mortem examination. PW-2, Dr. Narendra Godara, conducted the post mortem examination and found as many as 24 incised injuries on the dead body. He also found that the internal organs of the deceased were punctured by incised injuries.

On 23.6.1992, at about 8.30 P.M., the appellant was arrested and the co-accused was arrested on the next day. The appellant on interrogation gave statement to the effect that he had concealed a knife. PW-10 recovered the knife from a pit and prepared a recovery report. The pants and shirts worn by the appellant were also recovered by the police and Exh. P-40 the F.S.L. Report showed the presence of blood stains on the knife as well as on the pants and shirts of the appellant allegedly worn by him at the time of incident.

There was no direct evidence to prove the guilt of the appellant. The court relied on the circumstantial evidence. The circumstantial evidence on which the court placed reliance was that the appellant was last seen with the deceased and that the appellant had given extra-judicial confession to PW-5, Gian Chand. The recovery of blood stained knife, pants and shirts was also taken as a serious incriminating evidence against the appellant. PW-7 Dinesh Kumar saw the deceased and the appellant at the Sadul Sahar bus stand on 21.6.1992. PW-7 was known to deceased, Subhash. Subhash told him that he the appellant would be going to Hanumangarh as their friend, Vikram had invited them. PW-3 Surinder Kumar is another witness who saw the appellant, the deceased and the co-accused Vikram going on a scooter towards Shiv Mandir cinema at about 7 to 7.30 P.M. 21.6.1992. Both PW-7 and PW3 were extensively cross-examined and the Sessions Court as well as the High Court placed reliance on their testimony. We do not think there is any perverse appreciation of their evidence by the courts.

As regards the extra-judicial confession, PW-5 Gian Chand stated that he had gone to Ganganagar on 22.6.1992 and he saw the appellant, Pradeep Singh. The appellant looked sad and on seeing PW-5, the appellant told him that he had killed Subhash with a knife. PW-5 later returned to Sadul Sahar and told this fact to his brother, Satish Kumar. The counsel for the appellant seriously challenged the evidence of PW-5 and contended that PW-5 was not holding any high position as to render any help to the appellant to save him from the predicament and to such a person, the appellant would not have made any confession. We do not think that such a plea can be accepted. Moreover, the evidence of Gian Chand is further corroborated by PW-1, who stated that Gian Chand had met him and told about the extra-judicial confession made by the appellant to him. PW-1 also stated that on receiving this information from PW-5, he went to the house of the appellant and he was not found there and on the next morning he again went to the appellant's house and questioned the appellant. At that time, the appellant confessed the guilt to him also. The appellant had no apparent explanation for the presence of blood stains on his pants and shirts. The appellant only alleged false implication.

In our view, the appellant has been rightly convicted by the Sessions Court and the High Court was justified in confirming his conviction and sentence. We do not see any ground to interfere with the judgments of the courts below. The appeal is, therefore, dismissed.