

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s).251 OF 2010

STATE OF MADHYA PRADESH

...APPELLANT(S)

VERSUS

AMAR LAL

...RESPONDENT(S)

JUDGMENT

NAVIN SINHA, J.

The appellant-State questions the acquittal of the respondent from the charge under Section 302 I.P.C. even while his conviction under Section 323 I.P.C. has been affirmed.

2. The assault on the deceased is said to have taken place on 27.03.1990 with the pointed end of wooden plough used for tilling the land. PW-4 and PW-5 are the family members of the deceased. The latter is also an injured witness. The submission on behalf of the appellant was that in view of the ocular evidence available with

regard to the assault, the High Court erred in acquitting the respondent on the reasoning that though the assault was with the sharp end of the plough which had nails, there was no corresponding injury as the nature of injury found could only be by blunt hard substance. The acquittal, based on the mere opinion of the Doctor PW-6, on the aforesaid ground was unjustified. PW-4 and PW-5 have not been doubted as eye-witnesses or that the latter was injured in the same incident.

3. Mr. Anukul Chandra Pradhan, learned senior counsel appearing for the respondent, submitted that before acquittal he has already completed 14 years 6 months and 7 days of custody.

4. We have heard the counsel for the parties and have perused the materials on record as also the evidence of PW-4 and PW-5. It appears from the records that the respondent as under trial had undergone 2 years 8 months 11 days of custody and after his conviction on 24.01.1995 by the Sessions Judge he remained in

custody till 18.11.2006 completing 11 years 9 months 26 days.
Thus, he has undergone total custody of 14 years 6 months 7 days.

5. In view of the aforesaid, we do not consider the present a fit case to interfere. The appeal is therefore dismissed.

.....**J.**
(Ashok Bhushan)

.....**J.**
(Navin Sinha)

New Delhi,
December 10, 2019