

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1419/2011

RAJA

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

The appellant is convicted under Section 302 IPC. The victim is the real brother of the appellant. There is no ocular evidence. The Trial Court on the basis of circumstantial evidence and the extra judicial confession made by the appellant before PW.1, as corroborated by PW.2, and the recovery, convicted the appellant under Section 302 IPC and sentenced him to life imprisonment. The conviction and sentence was upheld by the High Court by a detailed judgment.

2. Having heard the learned counsel for the appellant and having gone through the records, we do not find any reason at all to take a different view.

Both the Trial Court and the High Court have meticulously considered the entire evidence and have addressed the issues. The possibility of any other person causing the death of the victim-Santosh by inflicting fatal injuries has been totally ruled out and both the Courts below have come to a specific finding that every finger points only to the appellant. Hence, we are not inclined to take a different view.

3. We are informed that the appellant has already served around 11 years in jail. According to the learned counsel for the appellant, with remission, he would have completed 14 years.

4. We direct the respondent/State, having regard to the peculiar factual circumstances available in this case, to consider the case of the appellant for premature release on completion of total sentence of 14 years including remission, as a special case. In the event of any delay in taking the decision, the appellant shall be released on self bond, on completion of fourteen years including remission, making it subject to the decision of the Competent Authority, unless required to be detained in connection with any other case.

5. Subject to above, the appeal is dismissed.

6. Pending applications, if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[S. ABDUL NAZEER]

NEW DELHI;
OCTOBER 10, 2018.