



2023 INSC 636

SLP (Cr1.) Diary No. 25041 of 2021



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
(arising out of SLP (Cr1.) No. _____ of 2023)
(arising out of Diary No. 25041 of 2021)

RANJEET SINGH APPELLANT(S)

VERSUS

STATE OF CHHATTISGARH RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

The appellant - Ranjeet Singh has been convicted under Section 302 of the Indian Penal Code, 1860¹ for committing murder of Devnath/Deonath (deceased) on 15.01.2010.² He has been sentenced to undergo imprisonment for life, payment of fine of Rs. 1,000/-, and in default, to undergo rigorous imprisonment of one year.

We have heard the learned counsel for the parties and examined the trial court records.

We are not satisfied that the three minors, Anita (PW-13), Meena (PW-14) and Lali/Lalo (PW-15) were eyewitnesses to the occurrence. Anita (PW-13) and Meena (PW-14) are sisters. Lali/Lalo (PW-15) is the grand-daughter of the deceased - Devnath/Deonath.

The First Information Report (FIR) No. 02/2010 registered at

¹ For short 'IPC'.

² The High Court of Chhattisgarh at Bilaspur vide judgment dated 08.11.2017 in Criminal Appeal No.279 of 2017 has upheld the conviction and sentence awarded by the Additional Session Judge, F.T.C., Surajpur, District-Surguja, Chhattisgarh.

Police Station - Ramanujnagar, District - Surguja, Chhattisgarh (Exhibit P-2), recorded on 15.01.2010 at 14:30 hrs. at the behest of Vikas Kumar (PW-1), who is the son of the deceased - Devnath/Deonath, states that the deceased - Devnath/Deonath had died early in the day between 07:00 a.m. and 08:00 a.m. The deceased - Devnath/Deonath had gone to Madanpur forest to get wood. At about 11:00 a.m., Vikas Kumar (PW-1) went to Madanpur forest to bring back his father Devnath/Deonath, as he had left home without taking meals, and because of solar eclipse. On reaching the place of occurrence, Vikas Kumar (PW-1) found that his father Devnath/Deonath, was lying dead. There were injuries on his head and face. A blood-stained big stone was lying there. The FIR (Exhibit P-2) does not name any accused or suspect, and states that someone had killed the deceased - Devnath/Deonath. It does not state that Anita (PW-13), Meena (PW-14) and Lali/Lalo (PW-15) had seen the occurrence.

Vikas Kumar (PW-1), in his deposition, has stated that Babulal (PW-2), who is the cousin of the deceased - Devnath/Deonath, and other persons from the village, were called and had seen the dead body of his father Devnath/Deonath.

Babulal (PW-2) has testified that he, along with Vikas Kumar (PW-1), and the appellant - Ranjeet Singh, had gone to the Police Station and lodged the report, pursuant to which the FIR (Exhibit P-2) was registered.

Babulal (PW-2) is the maternal grandfather of the two minors Anita (PW-13) and Meena (PW-14), and the 'Baba' of Lali/Lalo (PW-

15). Further, Anita (PW-13) and Meena (PW-14) are the grand-daughters of Hirmaniya Bai (PW-11).

Hukumsay (PW-10), the father of Lali/Lalo (PW-15), in his examination-in-chief, has testified that he came to know eight to nine days after the incident that the appellant - Ranjeet Singh had killed Devnath/Deonath, on being told by Lali/Lalo (PW-15).

Given the close relationship of Anita (PW-13), Meena (PW-14) and Lali/Lalo (PW-15) with Vikas Kumar (PW-1), Babulal (PW-2) and Hirmaniya Bai (PW-11), initial silence for nearly nine days on the part of alleged eyewitness, as well as Vikas Kumar (PW-1), Babulal (PW-2) and Hirmaniya Bai (PW-11), and the contents of the FIR (Exhibit P-2), cast grave doubt on the court deposition by Anita (PW-13), Meena (PW-14) and Lali/Lalo (PW-15) implicating the appellant - Ranjeet Singh as the perpetrator who had murdered Devnath/Deonath.

The appellant - Ranjeet Singh was arrested on 24.01.2010, nine days after the incident in question and registration of the FIR (Exhibit P-2).

This apart, we find other discrepancies, as Hirmaniya Bai (PW-11), the grandmother of the two sisters - Anita (PW-13) and Meena (PW-14), has testified that she would not allow her grand-daughters to bring wood from the forest, the stated purpose why the two eye-witnesses, along with Lali/Lalo (PW-15), had proceeded to the forest.

Learned counsel appearing on behalf of the respondent - State of Chhattisgarh has submitted that the appellant - Ranjeet Singh

had absconded on 15.01.2010, after he had gone with Vikas Kumar (PW-1) and Babu Lal (PW-2) to the police station for registration of the FIR (Exhibit-2). It is stated that the prosecution has been able to establish motive as the appellant - Ranjeet Singh and the deceased - Devnath/Deonath had quarreled on one or two occasions about two to three months before the incident in question.

The appellant - Ranjeet Singh was certainly present in the village on 15.01.2010. His abscondence is not deposed to by Vikas Kumar (PW-1). Babulal (PW-2), in his deposition, has claimed that the police had brought a dog with them, and on hearing this, the appellant - Ranjeet Singh had fled from there. The dog had sniffed the blood-stained stone and, thereafter, had proceeded to the house of the appellant - Ranjeet Singh. Ever since, Babulal (PW-2) had not seen the appellant - Ranjeet Singh in the village. However, the Investigating Officer - Jaideo Kosle (PW-16), in his deposition, while accepting that the appellant - Ranjeet Singh had come with Vikas Kumar (PW-1) and Babulal (PW2) for recording the *merg*, did not state that the appellant - Ranjeet Singh had absconded.

The quarrel(s) between the appellant - Ranjeet Singh and the deceased - Devnath/Deonath, were minor in nature and had happened two to three months prior to the incident.

Neither the quarrel(s), as deposed, nor the allegation of abscondence, regarding which there is some ambiguity and doubt, would establish the case of murder of Devnath/Deonath against the appellant - Ranjeet Singh, if we discard the statements of the alleged eye-witnesses - Anita (PW-13), Meena (PW-14) and Lali/Lalo

(PW-15).

In view of the aforesaid position, we allow the present appeal and set aside the appellant - Ranjeet Singh's conviction under Section 302 IPC, in the charge-sheet arising out of FIR No. 02/2010 registered at Police Station - Ramanujnagar, District - Surguja, Chhattisgarh.

The appellant - Ranjeet Singh will be released immediately, if not required to be detained in jail in any other case.

Record of Proceedings, indicating that the appellant - Ranjeet Singh has been acquitted, will be sent by the Registry to the concerned Prison in-charge today itself, for immediate compliance.

Recording the aforesaid, the appeal is allowed.

Pending applications, if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(BELA M. TRIVEDI)

NEW DELHI;
JULY 13, 2023.