

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1349 OF 2015

PAPPU @ HANS RAJ . . . APPELLANT(S)

VERSUS

THE STATE OF PUNJAB & ANR. . . RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 1348 OF 2015

DALJIT KUMAR . . . APPELLANT(S)

VERSUS

STATE OF PUNJAB . . . RESPONDENT(S)

J U D G M E N T

R. BANUMATH, J.

1. These appeals arise out of the judgment of the Punjab and Haryana High Court in and by which the High Court has affirmed the conviction of the appellants under Section 302 IPC and sentence of life imprisonment imposed upon each of them.

2. The case of the prosecution is that on 27.09.2003, calf of the buffalo of deceased Amar Nath entered in the field of accused Makhan Ram whereupon accused Makhan Ram beat up the animal. When deceased Rajji, wife of deceased Amar Nath

enquired from accused Makhan Ram, he beat her also by pulling her long hair. Deceased Amar Nath and Rajji narrated the whole incident to complainant Sarabjit Kaur (PW-2) and they started to convene a panchayat along with Ram Lubhaya, husband of complainant (PW-5). When deceased Amar Nath and Rajji reached near the house of Chanan at about 1.30 p.m. accused Makhan Ram (A1) armed with datar, accused Ricky (A-2) armed with Kirpan, accused Daljit Kumar (A-4) armed with takua accused Pappu (A6) armed with Datar, accused Seebo, mother of A-1, accused Kulwinder Kaur, sister-in-law of A-1 came from the opposite side. Accused seebo and Kulwinder Kaur exhorted other co-accused to catch hold of deceased Amar Nath and Rajji and kill them.

3. Upon consideration of the oral and documentary evidence, the Trial Court vide its judgment dated 21.09.2007 convicted Makhan Ram (A-1), Daljit Kumar (A-4), Pappu alias Hans Raj appellant herein (A-6) under Section 302 IPC and sentenced them to undergo life imprisonment. The Court acquitted the accused Ricky (A-2), Seebo (A-3) and Kulwinder Kaur (A-5) from all the charges holding that the prosecution has not established the guilt against those accused. The High Court dismissed the appeal preferred by accused Makhan Ram, Daljit Kumar and the appellant-Pappu alias Hans Raj. Being aggrieved the appellants - Pappu @ Hans Raj and Daljit Kumar are before this Court.

4. We have heard Ms. Sharmila Upadhyay & Mrs. S.Sarada Devi, learned counsel for the appellants as well as Ms. Jaspreet

Gogia, learned counsel appearing for the State-respondent.

5. Learned counsel appearing for the appellant has submitted that the appellant-Pappu was not named in the F.I.R. and that the appellant had no motive against the deceased Amar Nath and Rajji. No recovery was made from him and, therefore, the conviction of the appellant - Pappu @ Hans Raj is not sustainable.

6. The eye witnesses namely, Sarabjit Kaur (PW-2) and Ram Lubhaya (PW-5) have stated about the overt-act of appellant-Pappu @ Hans Raj and the accused Daljit Kumar. As per their evidence, the appellant-Pappu @ Hans Raj inflicted injury on the deceased Rajji. Likewise accused-Daljit Kumar inflicted injuries on deceased Rajji with takua. As seen from the post-mortem examination conducted on the dead body of Rajji, she sustained incised wound 18 cms x 3 cms was present on lower part of left side of the head and left side of the face, extending from left cheek anteriorly cutting left maxillary bone. The second injury relates to the horizontal incised wound on upper part of left side of the neck just below the left ear extending from under surface of the mandible just anterior to angle of left mandible anteriorly and passing posteriorly upto the nape of the neck. The injuries inflicted on Rajji by the appellants clearly show that the intention of the appellants in inflicting the fatal injury. Upon consideration of the evidence of the eye witnesses and the nature of injuries, the Trial Court as well as the High Court recorded concurrent findings that the appellants-accused are

liable to the convicted under Section 302 IPC.

7. We do not find any good ground warranting interference with the concurrent findings of the Courts below. The appeals are, accordingly, dismissed.

.....J.  
[R. BANUMATHI]

.....J.  
[INDIRA BANERJEE]

NEW DELHI  
3RD OCTOBER, 2018