

PETITIONER:
VIJAY KUMAR

Vs.

RESPONDENT:
STATE OF PUNJAB

DATE OF JUDGMENT: 24/09/1998

BENCH:
G.T.NANAVATI, S.P.KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:
JUDGEMENT
NANAVATI. J.

The appellant was tried with 7 other accused for the offences punishable under Sections 307 and 452 of the Indian Penal Code by the Court of Additional Sessions Judge, Erozepur, in Sessions Case No. 7/86.

In order to prove its case, the prosecution had examined P.W. 4 Shugan Lal and P.W. 5 Raja Ram. Both these witnesses had received injuries during the incident. Relying upon their evidence the trial court convicted the appellant under Sections 452 and 307 IPC. The evidence of these two witnesses was found to be not free from the doubt as regards involvement of the other accused and therefore they were acquitted.

Aggrieved by his conviction the appellant preferred an appeal before the High Court of Punjab & Haryana. The High Court on reappraisal of the evidence agreed with the finding that the occurrence took place in the house of Shugan Lal and that presence of both the eye witnesses could not be disputed in the house when the incident had taken place. It held that their evidence was quite reliable as regards the part played by the appellant and the trial court was right in accepting the same. It, therefore, upheld the conviction of the appellant under Sections 307 & 452 IPC. The appellant has, therefore, filed this appeal in this Court after obtaining special leave.

After going through the judgments of both the courts below, we find that the evidence of both the witnesses have been correctly appreciated and it has been rightly held that the appellant had opened the attack and fired a shot which had hit Raja Ram and caused injuries to him. We see no reason to differ from the findings recorded by the High Court and therefore, this appeal is dismissed.

The appellant was released on bail during the pendency of this appeal. He is directed to surrender immediately to carve out the remaining sentence.