

PETITIONER:
RAJINDER SING & ANR.

Vs.

RESPONDENT:
THE STATE OF BIHAR

DATE OF JUDGMENT: 25/11/1997

BENCH:
G.T. NANAVALI, B.N. KIRPAL

ACT:

HEADNOTE:

JUDGMENT:
THE 25TH DAY OF NOVEMBER, 1997

Present:

Hon'ble Mr. Justice G.T. Nanavati

Hon'ble Mr. Justice B.N. Kirpal

M.K. Chaudhary, Adv. for S.K. Verma, Adv. and D.K. Garg,
Advs. for the appellants

G.B. Sathe, Adv. for A.K. Jha, Adv. for the Respondent

J U D G M E N T

The following Judgment of the Court was delivered:
NANAVALI. J.

Crl. Misc. Petition 6233/83 and Crl. M.P.....
(application for discharging the advocate from the matter)
are dismissed.

The appellants in Criminal Appeal No. 78/89 are
challenging their conviction and the order of sentence
passed by the First Additional Sessions Judge, East
Chambaran, Motihari in S.T. No. 138/69 of 1978/81 and
confirmed by the High Court. Writ Petition No. 543/92 is
filed by accused Ramayan Singh whose S.L.P. was earlier
dismissed by this Court.

The appellant have been convicted on the basis of the
evidence of 2 eye witnesses P.W. 2 Amila Devi and P.W. 3
Bhagwani Devi. Both these witnesses have been believed by
the trial court and also by the High Court. No good reason is
advanced by the learned counsel for the appellant for taking
different view as regards the credibility of these 2
witnesses. We do not find any infirmity in their evidence.
merely because they happened to be sister and mother
respectively of the deceased their evidence cannot be
discarded. In absence of any infirmity either in the
appreciation of their evidence or in the reasons given by
the courts below we see no reason to interfere in this
appeal and the writ petition. Both are, therefore,
dismissed. The appellants in criminal appeal are directed to
surrender to custody to serve out the remaining sentence.