

PETITIONER:
STATE OF U.P.

Vs.

RESPONDENT:
SMT. CHANDRAWATI

DATE OF JUDGMENT: 25/11/1997

BENCH:
G.T. NANAVATI, 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

Arvind Kumar, I.P. Singh and A.S. Pundit, Advs. for the
appellant

Dharam Bir Vohra, Adv. for the Respondent

J U D G M E N T

The following Judgment of the Court was delivered:

NANAVATI, J.

In these two appeals the State is challenging the acquittal of Chandrawati who was convicted by the trial court for the offence punishable under Section 302 read with Section 34 IPC and Section 307 IPC but acquitted by the High Court.

The trial court had convicted her on the basis of evidence of two eye witnesses P.W.2, Ram Lalit, aged about 11 years and P.W.3, Jagdei, aged about 7 years. The High Court on reappraisal of their evidence found that the witnesses had made an improvement in their evidence over their initial version before the police as regards the manner in which P.W.3 Jagdei received the injury which was alleged to have been caused by Chandrawati. In view of this infirmity in their evidence and also because Chandrawati had taken no part in beating deceased Ranjana the High Court held that it was not proved beyond reasonable doubt by the prosecution that Chandrawati entertained a common intention with her husband to kill Ranjana. She was convicted under Section 307 for causing injury to P.W. 3 Jagdei but as pointed out by the High Court both the witnesses were contradicted on these points. We are, therefore, of the view that the High Court was not wrong in giving benefit of doubt to Chandrawati as regards the said injury alleged to have been caused by her. The High Court has given good reasons for acquitting her of both the offences and we see no reason to interfere with the view taken by the High Court. These appeals are therefore dismissed.