

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 285 OF 2008

RAM BILAS SINGH

.....

APPELLANT

VERSUS

STATE OF U.P.

.....

RESPONDENT

WITH

CRIMINAL APPEAL NO. 286 OF 2008

O R D E R

1. We have heard the learned counsel for the parties.
2. There were seven accused initially in the matter. A4 died during the course of the trial and six accused, accordingly, were brought to trial. During the recording of the evidence, five of the eye witnesses Shiv Ratan Singh (PW 1), Mahadeo Singh (PW 2), Kehar Singh (PW 3), Savitri Devi (PW 4) and Surya Bhan Singh (PW 9) were declared hostile. The trial court and the High Court, therefore relied on the evidence of Savitri Devi, wife of the deceased alone and having observed that her statement was corroborated by the medical evidence convicted the accused under Section 302/149 IPC and sentenced them to life imprisonment.

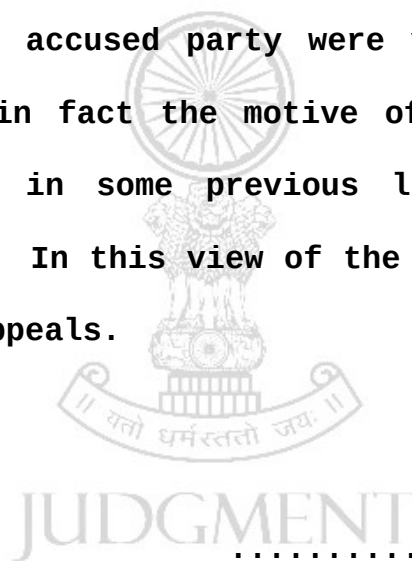
3. During the course of hearing today, Mr. Ashok Kumar Singh, learned counsel for the appellant in Criminal Appeal No 286 of 2008 has submitted that in the light of the fact that five eye witnesses had not supported the prosecution and had been declared hostile the implicit reliance on the evidence of P.W. 4, Savitri Devi, was not called for as her presence at the spot too was not believable. He has pointed out that this fact was clear as the First Information Report had been lodged after an inordinate delay.

4. We have considered the arguments of the learned counsel.

5. We find that this matter has been dealt with by the trial court as well as the High Court. It has been found as a matter of fact that the statement of P.W. 4 was completely inspiring and there was no reason whatsoever to discard it. It has also been found that the medical evidence fully supported the involvement of all the accused as the nature and number of injuries suggested that they had been caused with fire arms, cutting weapons such as farsas and also by lathis. We see from the post mortem report that 17 injuries have been caused to the deceased by different kinds of weapons. It is true that prima facie there appears to be some delay in the lodging of the FIR. On a closer

look, however, this is not the case. The incident happened at about 6:00p.m. in a rural area about 10 kms away from the police station. To suggest therefore that Savitri Devi who had lost her husband would run post haste to the police station immediately leaving her husband alone and fatally injured could not be expected of her. We are, therefore, of the opinion that there is no delay in the lodging of the FIR. There can also be no doubt with regard to the identity of the appellants. It has come in evidence that the complainant and the accused party were very well known to each other and in fact the motive of the crime was they were involved in some previous litigations both civil and criminal. In this view of the matter, we find no merit in these appeals.

6. Dismissed.



.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
FEBRUARY 24, 2011.