

PETITIONER:
NARANJAN SINGH

Vs.

RESPONDENT:
KULDIP SINGH & ORS.

DATE OF JUDGMENT: 09/12/1997

BENCH:
G.T. NANAVALI, G.B. PATTANAIK

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

Nanavati, J.

After hearing the learned counsel for the appellant and going through the judgment of the High Court, we find that the view taken by the High Court is quite reasonable and, Therefore, it does not call for any interference by this Court.

The Trial Court believed the evidence regarding presence of accused Kuldip Singh and his participation in the assault on the deceased. The High Court on the other hand has not believed his presence at the time of the incident. This is a finding of fact and we have now to proceed on that basis. Once it is accepted that he was not present, obviously he could not have taken any part in the assault on the deceased and, therefore, the question of exceeding the right of private defence can not arise. For this reason, the appeal is dismissed.