

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1979 OF 2008

AMRIK SINGH

APPELLANT

VERSUS

STATE OF PUNJAB

RESPONDENT

O R D E R

1. This appeal is directed against the judgment and order dated 23rd May, 2008, passed by the High Court of Punjab and Haryana at Chandigarh setting aside the order of acquittal of the appellant herein passed by the trial Court and directing his conviction under Section 302 of the Indian Penal Code for the murder of one, Sampuran Singh and sentencing him to undergo life imprisonment, and pay a fine of Rs. 5,000/-.

2. The appellant was charged for an offence punishable under Section 302 of the Indian Penal Code. The learned trial Court, however, on completion of the trial, acquitted the appellant herein on grounds set out in its judgment dated 21.4.1999. Being aggrieved by the said order of acquittal, the State preferred an appeal before the High Court of Punjab and Haryana. After hearing the parties, the High Court set aside the said order of acquittal giving

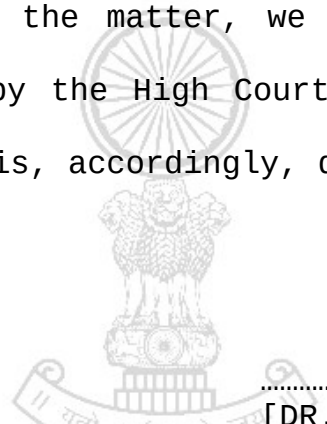
reasons for setting aside the same. The reasons for disturbing the order of acquittal are set out by the High Court in paragraph 31 of the judgment impugned herein.

3. We have carefully scrutinised the reasons given by the trial Court in the order of acquittal as also the reasons given by the High Court for disturbing the order of acquittal. Having examined the same, we are of the considered opinion that the High court was justified in reversing the order of acquittal. In our considered opinion, the order of acquittal was palpably wrong and erroneous in view of the evidence brought on record.

4. P.W. 7 is an independent witness. He had seen the occurrence and has in his evidence given details as to how the incident had occurred which could not be shaken at all in the cross examination. On appreciation of the evidence, we would find that his evidence is cogent and trustworthy. We find no reasonable ground to disbelieve his evidence. P.W. 8 is the wife of the appellant. According to the First Information Report, she was also an eye-witness to the occurrence. She had also given a statement under Section 161 of the Code of Criminal Procedure as if she was an eye witness to the occurrence and stating about the specific role of the appellant. However, while being examined as a witness, she had become hostile. Even if we

do not consider her evidence, the evidence of P.W. 7 being trustworthy and reliable and being of unimpeachable in nature, we see no reason why conviction cannot be sustained on the basis of the evidence of P.W. 7 alone. It is settled law that conviction could be based only on the basis of the evidence of solitary witness, if such evidence is found to be cogent. The Court committed an error in discarding such strong and cogent evidence on frivolous and irrelevant grounds.

5. In that view of the matter, we find no infirmity in the judgment passed by the High Court. There is no merit in this appeal which is, accordingly, dismissed.



J
 [DR. MUKUNDKAM SHARMA]

JUDGMENTJ
 [A.K. PATNAIK]

NEW DELHI
MARCH 17, 2010