

If the witness is related to the deceased, his evidence has to be accepted if found to be reliable and believable because he would inter alia be interested in ensuring that real culprits are punished.

[Case Brief] Satvir V/s State of Uttar Pradesh

Case name: Satvir V/s State of Uttar Pradesh

Case number: CRIMINAL APPEAL NO. 551 OF 2005

Court: THE SUPREME COURT OF INDIA

Bench: Lokeshwar Singh Panta J.
B. Sudershan Reddy J.

Decided on: January 21, 2009.

Relevant Indian Penal Code

Act/Sections:

➤ **BRIEF FACTS AND PROCEDURAL HISTORY:**

1. The incident leading to the prosecution of the appellant occurred on 31.10.1977 at about 4 P.M. in the jungle of village Ahmadpuri, Police Station Parikshatgarh, District Meerut (U.P.). The report of the incident was lodged by Mahendra Singh (PW-1) an eyewitness, son of the deceased Hari Dutt Singh at about 5.30 P.M. in the Police Station in which the names of all the accused persons were mentioned.
2. Mahabir son of Ram Saran was murdered in the year 1976 and for the said incident; Hari Dutt Singh [deceased] and his son PW-1 were facing trial before the Court. One more criminal case filed by Smt. Sammo is pending against the deceased and PW-1 in the Court of

a Magistrate at Meerut. On the day of incident, i.e. 31.10.1977, both PW-1 and Hari Dutt Singh had gone to the Court of Magistrate at Meerut to attend the proceedings in the said case but the same was adjourned at about 12 O'Clock in the noon. PW-1 and his father had returned to their village by bus.

3. After getting down at Parikshatgarh, they started going to their village Ahmadpuri on foot. At about 4 P.M., they reached on the road dividing the fields of Balley and Muley where PW-1 was going about 20 paces ahead of his father. The accused persons hiding themselves in the sugarcane fields of Balley, suddenly appeared and laid down Hari Dutt Singh on the ground. Appellant Satvir, accused Ram Saran and accused Harbir each were armed with knives with which they inflicted fatal injuries on Hari Dutt Singh at the instigation of accused Ram Saran, who proclaimed that the life of Hari Dutt Singh should be cut short as he was responsible for the murder of his son Mahabir. PW-1 shouted and raised alarm which attracted Bakhtawar Singh (PW-2), Ganga Saran (PW-4), Gajraj and few more persons to the place of occurrence.
4. All the accused persons had fled from the place of incident after committing the murder of Hari Dutt Singh. One Jasbir Singh recorded the report (Ex. Ka-1) of the incident at the instance of PW-1 on the basis of which First Information Report came to be lodged at Police Station at about 5.30 P.M.
5. Eight accused, namely, (1) Fateh Singh, (2) Ram Chander, (3) Brahma, (4) Satvir, (5) Ram Saran, (6) Harbir, (7) Pratap and (8) Genda were tried by learned VI Additional District & Sessions Judge, Meerut, in Sessions Trial No. 70 of 1978 for committing the murder of Hari Dutt Singh. By judgment and order dated 05.12.1979, the learned trial judge convicted all the accused under Section 302 read with Section 149 of the Indian Penal Code (for short "IPC") and sentenced each to imprisonment for life. The accused - Ram Saran, Satvir and Harbir have been further convicted under Section 148 IPC and each sentenced to two years rigorous imprisonment, whereas Fateh Singh, Genda, Pratap, Brahma and Ram Chander have been convicted under Section 147 IPC and sentenced to one year rigorous imprisonment. All the sentences were, however, ordered to run concurrently.
6. The accused persons filed joint appeal in the High Court of Judicature at Allahabad. The High Court by final judgment and order dated 25.02.2003 modified the judgment of the trial court. It converted the conviction of accused Satvir, Ram Saran and Harbir to Section 302 IPC read with Section 34 IPC and sentenced them to undergo life imprisonment. It, however, acquitted Ram Chander, Brahma, Pratap and Genda. Fateh Singh accused, during the pendency of the appeal before the High Court, had died; therefore his appeal stood abated. Satvir appellant herein, has now approached this Court in this appeal.

➤ **ISSUE BEFORE THE COURT:**

1. Was the high court in converting the conviction of accused Satvir, Ram Saran and Harbir to Section 302 IPC read with Section 34 IPC and sentencing them to undergo life imprisonment correct in its approach?

➤ **RATIO OF THE COURT**

1. Mr. Shakil Ahmed Syed, learned counsel appearing on behalf of the appellant, contended that the evidence appearing on record against the appellant is *verbatim* version to that which was taken into consideration with regard to the acquittal of four accused and, therefore, the case of the appellant cannot be decided on any other scale and should have been treated at par with the evidence appearing against the acquitted persons. According to the learned counsel, the High Court has committed grave error in convicting the appellant on the same set of evidence, on the basis of which four accused, namely, Ram Chander, Brahma, Pratap and Genda have been acquitted and, therefore, the judgment of the High Court suffers from factual and legal infirmity and perversity.
2. The court viewed that it is well-settled that if the witness is related to the deceased, his evidence has to be accepted if found to be reliable and believable because he would *inter alia* be interested in ensuring that real culprits are punished. On a careful and cautious scrutiny of the evidence of PW-1, PW-2 and PW-4, court found their evidence concise, precise and satisfactory on the point that they had seen the appellant, Ram Saran and Harbir causing grievous injuries to Hari Dutt Singh with knife which each was carrying with him and due to the fatal injuries, he died on the spot.
3. The court was of the opinion that the trial court as well as the High Court have rightly held that there was a motive for the accused to commit murder of Hari Dutt Singh because as per the prosecution evidence, they were nursing a grudge against the deceased because of his involvement in the commission of murder of Mahabir son of Ram Saran.
4. The occurrence, as spoken by the eyewitnesses, is fully established and the appellant alongwith Ram Saran and Harbir will be constructively liable under Section 302 read with Section 34 IPC for the commission of the crime as fatal injuries were inflicted by them with knives which they were carrying in their hands at the time of commission of offence. The fatal

injuries were caused with dangerous weapons on vital parts of the body of deceased which resultantly caused his death.

➤ **DECISION HELD BY COURT:**

1. The court held that Section 304 Part-II IPC, cannot be accepted in view of the nature of injuries, the manner in which they were inflicted, the weapons of offence used and the vital parts of the body of the deceased selected by the appellant and other two convicted accused for causing the fatal injuries.
2. Thus the court found no merit and substance in any of the submissions made on behalf of the appellant. In the result, for the afore-stated reasons, there is no merit in the appeal and it was, accordingly, dismissed.