
(2018) 01 MP CK 0120

MADHYA PRADESH HIGH COURT

Case No: 1784 of 2007

Dileep & Anr.

APPELLANT

Vs

State of M.P.

RESPONDENT

Date of Decision: Jan. 23, 2018

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 161](#), [Section 161](#) - Examination of witnesses by police - Examination of witnesses by police#[Indian Penal Code, 1860](#),

Citation: [\(2018\) 01 MP CK 0120](#)

Hon'ble Judges: [R.S. Jha, Nandita Dubey](#)

Bench: [Division Bench](#)

Advocate: [Sarita Tiwari, Vaibhav Tiwari, Sudeep Deb](#)

Final Decision: [Dismissed](#)

Judgement

1. This appeal has been filed by the appellants against the judgment dated 20.06.2007, passed by learned Sessions Judge, Hoshangabad in

Sessions Trial No. 296/2006, whereby the appellants have been found guilty of an offence punishable under Sections 302 read with Section 34 of

the IPC, and have been sentenced to life imprisonment with fine of Rs.2000/-, and in default thereof a further rigorous imprisonment of six months

each. The appellants have also been found guilty of an offence punishable under Section 341 of the IPC and have been sentenced to R.I.for one

month each.

2. The prosecution case,in brief, is that the appellants who harboured a common intention, committed murder of the deceased Mohan on

01.08.2006 by inflicting several stab injuries with knives. According to the prosecution, the FIR (Ex.P/1) was lodged by Kamla Bai (PW.2) and

the incident was witnessed by Ku.Usha (PW.1), Kamla Bai (PW.2), Maina Bai (PW.3) and Arti Dhurve (PW.4).

3. The trial Court, on the basis of the oral and documentary evidence on record, has recorded a finding of conviction against the appellants.

4. Learned counsel for the parties have taken this Court extensively through the oral and the documentary evidence on record.

5. Having heard the learned counsel for the parties and having perused the record as well as the judgment of the trial Court, it is observed that Ku.

Usha (PW.1), Kamla Bai (PW.2) and Arti Dhurve (PW.4) who are the eye-witnesses have categorically stated that they saw the appellants

inflicted several stab injuries with knives upon the deceased. Maina Bai (PW.3) has been declared hostile, however, she has affirmed the statement

given by her under Section 161 of the Cr.P.C. wherein she has specifically stated that she saw the appellants assaulting the deceased Mohan with

knives and inflicted several injuries upon his person. According to Dr.N.K.Jain (PW.8), there were multiple stab injuries on the body of the

deceased which had resulted in severing of the trachea as well as cut injuries on the lungs, small intestine, large intestine and the spleen. According

to Dr. Jain (PW.8), the deceased had died on account of the aforesaid injuries. The offending weapons were seized from the appellants and the

fact of seizure has been affirmed and confirmed by Umesh Markam (PW.5). The prosecution has also placed on record the FSL report, according

to which, blood stains were found on the knives seized from the appellants.

6. A perusal of the impugned judgment indicates that the trial Court, after carefully analyzing the statements of Ku. Usha (PW.1), Kamla Bai

(PW.2), Maina Bai (PW.3), Arti Dhurve (PW.4), Umesh Markam (PW.5) ,Dr. N.K.Jain (PW.8) as well as the statement of Tejraj Singh (PW.7)

the investigating officer, as well as the postmortem report and the FSL report, has recorded a finding to the effect that the appellants have

committed the murder of the deceased by inflicting several stab injuries on his person.

7. Having perused the record as well as the impugned judgment, we are of the considered opinion that there is no illegality, infirmity or perversity in

the impugned judgment and that the trial Court has rightly relied upon the consistent and sterling evidence of the eye-witnesses, the seizure witness,

the doctor as well as the documents on record, to rightly record a finding of guilt against the appellants.

8. In the circumstances, the appeal filed by the appellants being merit-less is accordingly dismissed. The conviction of the appellants under Section

302 and 341 of the IPC is accordingly upheld and affirmed. The appellants who are in jail shall remain incarcerated to undergo the remaining part

of their jail sentence.