

Bhure Khan vs State Of Madhya Pradesh on 12 February, 1982

Equivalent citations: 1982CRILJ818, (1982)2SCC445, 1982 CRI. L. J. 818, 1982 (2) SCC 445, 1982 2 SCC 455, 1982 UP CRIR 184, 1982 SCC(CRI) 469, 1982 ALL CJ 495, (1982) 1 SCJ 244, AIR 1982 SUPREME COURT 948(2)

Bench: A.P. Sen, V.D. Tulzapurkar

JUDGMENT

1. Special Leave granted.

2. The conviction of the appellant Bhure Khan, rests purely on recovery of a torch and currency notes of the value of Rs. 235 found with him. The identification of these two articles is not satisfactorily proved as forming part of the corpus delicti. Chakradhar Singh failed to identify Bhure Khan at either of the two identification parades and his identification in court will not help the prosecution. So far as the torch is concerned it is a very common article and no particular mark appearing thereon has been indicated as-enabling Chakradhar Singh to identify as belonging to him. As regards the currency notes it is true that these have not been claimed by Bhure Khan as his money but till these notes are established for be the subject matter of the dacoity which occurred at Chakradhar Singh's place the appellant is not called upon to plain its possession. For these reasons would be difficult to maintain the conation of Bhure Khan. The appeal is therefore allowed and the appellant is quitted of the charge under Sections 397 I.P.C. and 395, I.P.C.