

Vindo Samuel vs Delhi Administration on 7 August, 1991

Equivalent citations: AIR1992SC465, 1991CRILJ3359, 1992SUPP(3)SCC23, AIR 1992 SUPREME COURT 465, 1991 AIR SCW 2801, 1992 SCC(CRI) 948, 1992 CALCRILR 15, 1992 (3) SCC(SUPP) 23, (1993) 1 MAHLR 470, (1992) 1 RECCRIR 54

Author: A.M. Ahmadi

Bench: A.M. Ahmadi, M.M. Punchhi

JUDGMENT

A.M. Ahmadi, J.

1. Special leave granted.

2. Heard counsel on both sides. The appellant herein has been convicted under Section 379, I.P.C. for snatching the gold chain of P.W. 2 Chandrakala on 22-10-1979 while she was travelling in a bus with her husband P.W. 3 Trilok Chand. The incident in question occurred when the bus stopped at the Patel Nagar Bus Stand. P.W. 2 was sitting by the side of the window and one person came from the opposite direction, snatched the chain which she was wearing and ran away. She raised an alarm whereupon her husband P.W. 3 alighted from the bus and chased that person. With the help of two others, P.W. 1 Guru Darshan Singh and P.W. 6 Harjit Singh he was overtaken and caught. It is, however, an admitted fact that on search no gold chain was found from the appellant-accused; instead one earring was found which was attached. It is not known if any action was initiated against the appellant for the find thereof. The conviction is, therefore, based on the evidence of P.W. 1, P.W. 2, P.W. 3 and P.W. 6. Now so far as the P.W. 6 is concerned he categorically stated that he was not in a position to identify the person whom he had apprehended. So far as P.W. 3 is concerned, he had no occasion to see the face of the appellant. P.W. 2 also deposed that she was sitting by the side of the window and at that time someone snatched the chain and slipped away. She had continued her journey and reached her brother's residence. The appellant was caught and taken to the residence of her brother. P.W. 1 has stated that he had chased the appellant-accused on hearing shouts of 'chor chor' and caught him but no gold chain was recovered from him. It is thus seen that none of the prosecution witnesses had seen the person who snatched the chain. The only reason why the appellant was apprehended was that he was seen running after the bus stopped at the Patel Nagar Bus Stand. If he had really snatched the chain and was caught before he had an opportunity to dispose it, the chain would have been found from him. He had thrown it on the way that would not have gone unnoticed by those who were chasing him. In the circumstances it appears that merely

because for some reason the appellant was seen running or walking briskly it does not follow that he was the culprit although a strong suspicion may arise against him as in this case. The evidence clearly falls short of establishing the guilt beyond reasonable doubt. We, therefore, think that the conviction of the appellant cannot be allowed to stand.

3. In the result we allow this appeal, set aside the order of conviction and sentence passed by the Courts below and acquit the appellant-accused of the charge levelled against him. The fine, if paid, will be refunded. His bail bond will stand cancelled.