

Raghvendra vs State Of M.P on 7 January, 2015

Author: Madan B. Lokur

Bench: N.V. Ramana, Madan B. Lokur

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2371 OF 2010

Raghuvendra

..Appellant

Versus

State of M.P.

..Respondent

J U D G M E N T

Madan B. Lokur, J.

1. The appellant (Raghuvendra) is aggrieved by the judgment and order dated 23rd October, 2008 passed by the High Court of Madhya Pradesh in Criminal Appeal No.754 of 2000. By the judgment and order under appeal, the conviction of the appellant for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code was affirmed. We find no merit in the appeal and it is dismissed.

2. On 10th February, 1998 the informant Gulab Ahirwar (PW-3) found a dead body in his fields. He immediately informed the police and a first information report was recorded on the basis of his information. A few articles lying near the dead body were also recovered.

3. The dead body could not be immediately identified but subsequently, in the course of investigations in a different case altogether, the police apprehended Raghuvendra and during his interrogation on 16th March, 1998 he confessed to killing the deceased with the assistance of his uncle. Based on this statement given by Raghuvendra, the dead body was identified with the assistance of Guddi Bai (PW-13, the widow of the deceased) and Sadhana (PW-14, the daughter of the deceased).

4. It also transpired from the investigations that the deceased Bhagwan Singh was known to Raghuvendra and his uncle. They were apparently involved in several thefts and there was some dispute about sharing the proceeds. Raghuvendra and his uncle would often visit Bhagwan Singh at his residence and they would also consume liquor together.

5. On 9th February, 1998 Raghuvendra and his uncle came to the house of the deceased in Vidhisha and they and the deceased left for Bilaspur the next morning, that is on 10th February, 1998. It is soon thereafter that the dead body of Bhagwan Singh was found in the fields of Gulab Ahirwar (PW-3).

6. During the course of investigations, the investigating officer also recovered, at the instance of Raghuvendra and his uncle certain articles of the deceased in Bhopal.

7. On these broad facts, a charge-sheet was filed and Raghuvendra and his uncle were charged with having murdered Bhagwan Singh and thereby having committed an offence punishable under Section 302 read with Section 34 of the IPC. Both of them pleaded not guilty and were therefore tried by the learned Additional Sessions Judge, Khurai, District Sagar (Madhya Pradesh). Vide his judgment and order dated 5th February, 2000 in Sessions Case No.205 of 1998 the learned Additional Sessions Judge found Raghuvendra and his uncle guilty of having caused the murder of Bhagwan Singh.

8. The two principal grounds on which the conviction of Raghuvendra and his uncle was based were the statement of Guddi Bai (PW-

13), Sadhana (PW-14) as well as the medical evidence. The learned Additional Sessions Judge concluded that there was no reason to disbelieve Guddi Bai and Sadhana and he was of the opinion that based on their statement, the recovery of articles belonging to the deceased at the instance of Raghuvendra and his uncle and on the basis of the 'last seen theory', there was sufficient circumstantial evidence to convict them.

9. Feeling aggrieved by the judgment and order of the learned Additional Sessions Judge, Raghuvendra and his uncle preferred an appeal in the High Court of Madhya Pradesh which came to be dismissed by the judgment and order under appeal.

10. The High Court examined the record of the case and also found that there was no reason to disbelieve Guddi Bai and Sadhana. Both witnesses knew Raghuvendra and his uncle quite well since they were frequent visitors to their house. The High Court also came to the conclusion that the 'last seen theory' was applicable to the facts of the case since Raghuvendra and his uncle had visited the house of the deceased on 9th February, 1998, stayed overnight and left with him for Bilaspur in the morning on 10th February, 1998. It is soon thereafter that the dead body of Bhagwan Singh was recovered from the fields of Gulab Ahirwar (PW-3) though it was not immediately identified. These facts coupled with the recovery of certain articles belonging to the deceased at the instance of Raghuvendra and his uncle were relied upon by the High Court to confirm their conviction.

11. Only Raghuvendra has challenged his conviction before us - his uncle has not preferred any petition in this court.

12. There is no doubt that Raghuvendra knew the deceased quite well and perhaps they were involved in some thefts. Guddi Bai and Sadhana also knew Raghuvendra since he was a frequent visitor to their house. The identification of Raghuvendra therefore is not an issue before us.

13. It has also come on record that Raghuvendra and his uncle had stayed overnight at the residence of the deceased in Vidhisha on 9th February, 1998 and left the next morning for Bilaspur with Bhagwan Singh. It is on the morning of 10th February, 1998 that the dead body of Bhagwan Singh was found in the fields of Gulab Ahirwar (PW-3) who gave a statement on the basis of which the first information report was registered.

14. The fact that the deceased was 'last seen' with Raghuvendra and his dead body was found soon thereafter coupled with the fact that certain articles belonging to the deceased were recovered from the custody of Raghuvendra and his uncle at their instance leaves no room for doubt that the three of them were travelling together. Among the articles recovered from Raghuvendra and his uncle was a purse belonging to the deceased and some other personal effects including clothing. These were identified as belongings of the deceased and were perhaps carried by him while travelling to Bilaspur.

15. There is no manner of doubt, on these facts, that the death of Bhagwan Singh was caused by Raghuvendra and his uncle. No other inference is possible or even suggested.

16. No substantial question of law has arisen in this case and on the facts as found by the learned Additional Sessions Judge as well as by the High Court we see no reason to interfere with the conviction of Raghuvendra for an offence punishable under Section 302 read with Section 34 of the IPC.

17. Accordingly, the appeal is dismissed.

.....J (Madan B. Lokur)J (N.V. Ramana) New Delhi;

January 07, 2015