

Mehar Chand vs State Of Rajasthan on 9 November, 1982

Equivalent citations: 1982(2)SCALE1105, (1982)3SCC373, AIR ONLINE 1982 SC 25, 1982 (3) SCC 373(2) (1983) JAB LJ 11, (1983) JAB LJ 11, (1983) JAB LJ 11 1982 (3) SCC 373(2), 1982 (3) SCC 373(2)

Bench: Y.V. Chandrachud, O. Chinnappa Reddy

ORDER

1. This is an appeal by special leave against the judgment dated April 15, 1981 of the High Court of Rajasthan, confirming the conviction of the appellant under Section 302 of the Penal Code and the sentence of death imposed upon him by the learned Additional District and Sessions Judge, Nohar. The charge against the appellant is that he committed the murder of his brother Chet Ram, his wife and their three minor children aged 4 years, two years and four months. The motive for the offence is said to be a petty dispute over a buffalo which was allotted to the share of the deceased Chet Ram in a family partition

2. In support of its case, the prosecution examined three witnesses: Ganpat (PW 1), Nathu (PW 2) and Thakur Singh (PW 3). The evidence of Thakur Singh shows that the appellant was arrested on the spot with a blood-stained Dhoti on his person. The first information report was lodged by Thakur Singh immediately after reaching the police station at about 3 a.m. on July 2, 1978, the incident having taken place at about 11 p.m. on July 1, 1978. It is impossible to accept the argument of Shri Qamaruddin, who has thankfully assisted *lisas amicus*, that some unidentified person or persons must have committed the five murders, that Thakur Singh had connected a false case against the appellant out of some oblique motive and that it was impossible in the very nature of things for any person to identify the person or persons who committed the murders. We are unable to see any plausible reason why the evidence of three witnesses, Ganpat, Nathu and Thakur Singh, who have been believed by the courts below and who appear to us to be independent should not be accepted. The arrest of the appellant on the spot with a blood-stained Dhoti on his person provides an answer to the doubts which Shri Qamaruddin attempted to raise. This evidence of the three aforesaid witnesses coupled with the arrest of the appellant on the very spot of the offence and the prompt lodging of the first information report leave no doubt that it is the appellant who committed the five murders. His conviction under Section 302 of the Penal Code has, therefore, to be confirmed.

3. Shri Qamaruddin made a valiant effort to challenge the sentence of death imposed upon the appellant. We are unable to see a single circumstance in favour of the appellant which would justify our interference with the sentence of death imposed upon him.

4. The appeal is accordingly dismissed and the order of conviction and sentence confirmed.