Supreme Court of India
Ramanand Ramnath vs The State Of Madhya Pradesh on 10 April, 1996
Equivalent citations: JT 1996 (6) 3, 1996 SCALE (3)429
Author: M M.K.
Bench: Mukherjee M.K. (J)

PETITIONER:
RAMANAND RAMNATH

Vs.

RESPONDENT:
THE STATE OF MADHYA PRADESH

DATE OF JUDGMENT: 10/04/1996

BENCH:
MUKHERJEE M.K. (J)
BENCH:
MUKHERJEE M.K. (J)
G.B. PATTANAIK (J)

CITATION:
JT 1996 (6) 3 1996 SCALE (3)429

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T M.K. MUKHERJEE, J.

The appellant, alongwith seven others, was tried in the Court of the Additional Sessions Judge, Bilaspur for an offence under Section 395 IPC. All of them were convicted for the above offence and sentenced to rigorous imprisonment for seven years each. In appeal the High Court upheld the conviction of seven of them, including the appellant, but reduced their sentence to rigorous imprisonment for three years each. The conviction of the eighth accused was, however, altered to one under Section 411 IPC. The above order is under challenge in this appeal at the instance of the appellant only.

The prosecution case, so far as it is required to be stated for disposal of this appeal, is that in the night of August 5, 1981 the accused persons committed dacoity in the house of Nandram (P.W.1) of village Tatakasa under the jurisdiction of Police Station Kunda and took away ornaments, clothes, watch and cash. A report of the incident was lodged by Nandram on the following morning at 4.30

A.M. whereupon a case was registered under Section 395 IPC. In course of the investigation the appellant was arrested on August 29, 1981 and placed in a test identification parade wherein he was identified by three witnesses, including Nandram. Besides some stolen articles were seized from his possession and some recovered pursuant to his statement. On completion of investigation the police submitted chargesheet and in due course the case was committed to the Court of Session.

The appellant pleaded not guilty to the charge levelled against him and his contention was that he was falsely implicated at the instance of the police authorities as, as a journalist he had written many an article about police atrocities for which they bore a grudge against him.

The trial Court held, relying upon the evidence of Nandram and two other members of his family, namely, Sadaram (P.W.3) and Puhupram (P.W.5) that a dacoity was committed in the manner alleged by the prosecution. The trial Court also relied upon their evidence regarding identification of the appellant as one of the dacoits as it was corroborated by their earlier identification in the test identification parade held by the Naib Tehsildar (P.W.4). The evidence regarding recovery of some of the stolen properties form the appellant and pursuant to his statement from elsewhere also found favour with the trial court. The appellant's contention of his false implication was rejected by the trial Court on the ground that even if it was assumed that the police had animus against him, there was not an iota of evidence to indicate that any of the above three eye- witnesses had any reason to join hands with the police to falsely implicate him. The High Court concurred with all the above findings of the trial Court and upheld the conviction of the appellant.

On careful perusal of the judgments of both the learned Courts below in the light of the evidence adduced during trial we find that the conclusions drawn by them are based on proper appreciation of the evidence. That necessarily means that those findings merit no disturbance.

It was, however, contended on behalf of the appellant that the learned Courts below failed to notice that the test identification parade was not held at the earliest available opportunity. We do not find any a substance in this contention for the record shows that the appellant was arrested on 29.8.1981 and the test identification parade was held on 14.9.1981. It cannot, therefore, be said that there was any unusual delay in holding the test identification parade. The above contention was also raised before the High Court which repelled it with the following finding - with which we entirely agree:

> "In the instant case, the incident had taken place at Village Tatakasa. The Naib-Tehsildar was working at Mungali and had to be sent to District Jail at Bilaspur for holding the identification parade. Even the witnesses were required to travel that distance. An application made to the Sub- Divisional Magistrate would entitle the Naib Tehsildar to move out of his head-quarters on duty and that appears to be the reason why this was done. Considering that all this has happened within 13 days, it does not appear that any abnormal delay has been caused."

It was also contended that the evidence regarding the alleged recovery of stolen articles from the appellant and/or on his showing was wholly unreliable. This aspect of the matter need not detain us for the evidence of the three eye-witnesses conclusively proves that the appellant was one of the

dacoits.

For the foregoing discussion no interference with the conviction of the appellant is called for. Coming now to the question of sentence we can only say that it errs on the side of leniency. The appeal is, therefore, dismissed. The appellant, who is on bail, will now surrender to his bail bonds to serve out his sentence.