Supreme Court of India
State Of Madhya Pradesh vs Ratan Lal on 10 March, 1992
Equivalent citations: AIR 1994 SC 458, 1994 CriLJ 131
Bench: A Ahmadi, M . S.
JUDGMENT

1. This appeal by special leave is directed against the judgment of the Madhya Pradesh High Court whereby the respondent accused was acquitted in reversal of the conviction recorded by the Sessions Judge under Section 302, I.P.C. in Sessions Case No. 4 of 1975. The facts of the case, briefly stated, are as under:

2. On the evening of 27th October, 1974, at about 6.00 p.m. the respondent-accused and his wife Laxmi Bai were in their house in village Kodakpura. Shrieks of a lady were heard by one Thakurain and she repotted the matter to P.W. 2 Wazir Khan, a neighbour, and requested him to inquire into the matter. Wazir Khan went to the house of the accused and found the door bolted from within. He, therefore, knocked on the door but there was no response. Thereupon he abused the inmates, yet there was no response and so he withdraw to a distance of 8 or 10 paces. Thereafter the accused opened the door, emerged from within and ran away towards the jungle. Information in regard to this incident was conveyed to the police by the village chowkidar P.W. 4 Prem Raj, who was informed about the incident by the accused's father Bharu Lal (not examined). On the basis of information supplied by P.W. 4 the First Information Report Exhibit P-6 was recorded, the offence was registered and investigation commenced. P.W. 14, Head Constable Nand Lal, went to the scene of occurrence and held an inquest and thereafter arranged to send the dead body of Laxmi Bai to the hospital for autopsy. P.W. 1, Dr. D. W. Dutta, found four anti-mortem incised wounds on the body of Laxmi Bai and opined that she died due to the injury inflicted on the left side of the neck which had cut the large blood vessels causing hemorrhage and shock. Both the Courts below have come to the conclusion that she died a homicidal death.

3. The accused contended that he was falsely involved by his father who had caused the death of his wife and had thereafter tried to inflict injuries on his person also. That is how he claimed to have received three injuries on his person which were noticed by Dr. D. K. Gupta when he examined him on 30th October, 1974. The evidence of P.W. 12 Dr. Gupta, shows that the accused had three injuries; (i) an incised wound 1/2"x 1-1/2" x 1/16" or right side of chest; (ii) a superficial injury of 4" x 1 /12" on the back of neck under the left ear and (iii) 6" x long linear scar in the shape of a thin strip. All these injuries were simple in nature and could be caused by a sharp edged weapon like a sickle. The doctor has further opined that these could be self-inflicted.

4. There is no eye-witness to the incident. The prosecution case rests on circumstantial evidence. The prosecution has placed strong reliance on the evidence of P.W. 2 Wazir Khan (wrongly mentioned as Gafoor Khan by the High Court), a neighbour, who claims to have gone to the place of occurrence at the behest of P.W. 3 Thakurain alias Mehtab, also a neighbour. As stated earlier the father of the accused had informed P.W. 4 Prem Raj, a village watchman, about the incident and it was the latter who had lodged the complaint Exhibit P-6. Weapon of assault was found from the room and was stained with blood. The High Court has rejected the evidence in regard to the

discovery of this weapon at the behest of the respondent. We do not propose to doubt that part of the High Court's finding. We will assume that this weapon was found and attached in the course of investigation when the police reached the scene of occurrence. The stains of blood on the weapon have been found by the Serologist and the chemical analyser, to be of human origin. In addition thereto a banian of the accused was also attached as it was blood-stained. It was also stained with blood of human origin. The group was identified. Thus the circumstances on which the prosecution relied are (1) the accused did not open the door when P.W. 2, Wazir Khan knocked at it and even after the latter showered abuses till he had withdrawn 8 or 10 paces therefrom, (2) the accused also had three injuries on his person which have not been explained satisfactorily, (3) the accused had requested P.W. 2 Wazir Khan to pacify his mother as he apprehended that she may not be able to take the shock of loss of her daughter-in-law, (4) the father of the accused was not present at the time of occurrence and yet falsely involved by the accused, (5) find of bloodstained weapon and banian and (6) the statement made to P.W. 2 Wazir Khan that his wife was dead and he too would die. The evidence of P.W. 2 clearly establishes that shrieks were heard by Thakurain from the room, which was bolted from inside and even after he knocked at it and showered abuses, none opened the room. It was only after he withdrew 6 or 10 paces, that the accused opened the room and ran away towards the jungle. The accused returned some time later and requested P.W. 2 to pacify and console his mother. Although P.W. 3 Thakurain does not say that she had sent P.W. 2 to the house of the respondent, we see no reason to doubt the statement of P.W. 2 in this behalf. P.W. 2 is a totally independent person who has no axe to grind against the respondent and who had visited the place of occurrence only after he was informed that shrieks of a woman were heard from the room which was bolted from within. We repeatedly asked counsel for the respondent to point out any reason why P.W. 2 should go out of his way to falsely implicate the accused. The defence of the accused is also false when he says that it was his father who killed his wife and thereafter tried to inflict injuries on him. The evidence shows that the father was not there when the incident occurred. This false explanation was rightly used by the learned Sessions Judge as an additional link to the chain of events presented by the prosecution. If the evidence of P.W. 2 is trustworthy, which we hold it is, we see no reason why reliance should not be placed thereon, particularly when it is corroborated by the find of the bloodstained sickle, a bloodstained banian on the person of the accused and the injuries on the person of the accused which could have been caused to him in the course of the struggle which his wife who was a well built person must have put up. Since this part of the prosecution evidence is accepted and it is further accepted that on return the accused had requested P.W. 2 to console his mother and had told him that now that the wife is dead, there is no point in his living and he too will die, we find it difficult to brush aside this evidence as unacceptable. With respect the High Court has not tried to come to grips with the evidence tendered by the prosecution. The High Court has rejected his evidence on the following line of reasoning.

From his evidence it is clear that he had not actually seen the appellant beating his wife inside the house or his even coming out of the house, as admittedly by that time he had returned back. It is further clear that it is nothing but an inference of this witness that the appellant was the person inside the house and he came out after opening the doOrs.

With respect this is not a correct reading of the evidence of P.W. 2. P.W. 2 does not claim to be a witness to the occurrence nor does he say that the accused had beaten his wife in his presence and

seeing. All that he says is that on being informed that a woman's shrieks were heard from the house, he went there, knocked at the door and when no one opened the door, he uttered abuses and then withdrew by 8 or 10 paces and in his full view the accused thereafter opened the door and ran out from the room towards the jungles. There were only two persons in the room viz. the accused and his wife. The witness was, therefore, justified in inferring that it was the accused who had done his wife to death. We, therefore, do not see any reason why the evidence of this witness should not have been accepted. If accepted it clearly involves the accused in the commission of the crime. As stated earlier his evidence is further corroborated by the find of the human blood on the weapon of assault and his banian as well as the injuries on his person. The totality of the evidence and the circumstances relied on clearly establish the guilt of the accused. The learned Sessions Judge had reached the correct conclusion and the High Court, with respect, has interfered with the judgment on untenable grounds.

5. In the result we allow this appeal, set aside the order of acquittal recorded by the High Court and restore the order of the learned Additional Sessions Judge, Sehore. The respondent accused will surrender to his bail.