

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
Criminal Appeal No.1392 of 2011

Chunthuram

Appellant

Versus

State of Chhattisgarh

Respondent

JUDGMENT

Hrishikesh Roy, J.

1. The present Appeal challenges the judgment and order dated 15.2.2008 of the Chhattisgarh High Court, whereby the Criminal Appeal No.513/2002 was disposed of upholding the conviction of the appellant in terms of the conclusion reached by the learned Additional Sessions Judge, Jashpurnagar (hereinafter referred to as, "the trial Court") in Sessions Case No.149/2001. The trial Court convicted the appellant and co-accused

Jagan Ram, under Sections 302/34 of the Indian Penal Code, 1860 (for short "the IPC") and sentenced them to undergo life imprisonment and fine of Rs.500/- each and for the conviction under Sections 201/34 IPC three years imprisonment and fine of Rs.500/- each was ordered. The co-accused Jagan Ram was however acquitted by the High Court.

2. The case of the prosecution is that on 14.6.2001 at 1900 hours when the deceased Laxman was returning from Tamta market to Pandripani village, the appellant Chunthuram and the co-accused Jagan Ram assaulted him with axe and stick, and Laxman died on the spot. The FIR was lodged by Mahtoram (PW1), the father of the deceased stating therein that when his son did not return home from Tamta market at night and enquiries were made in the village, his grandson Santram informed him that Chunthuram and Jaganram had killed Laxman and concealed his dead body in a pit. The informant rushed to the location and found the injury inflicted dead body of his son. The FIR mentioned a land dispute between the accused and the victim as also the fact