

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO(S). 265 OF 2020**  
**(Arising out of SLP (CrI.) No. 1120 of 2016)**

**THE STATE OF HIMACHAL PRADESH** **APPELLANT(S)**

**VERSUS**

**RAVI KUMAR** **RESPONDENT(S)**

**WITH**

**CRIMINAL APPEAL NOS. 266, 267 and 268 OF 2020**  
**(Arising out of SLP (CrI.) Nos. 1713, 1121 and 1711 of 2016)**

**O R D E R**

Leave granted.

The State has filed these appeals questioning the judgment and order of acquittal of the accused. The accused were tried and convicted by the Trial Court for the offences punishable under Sections 302, 396 and 120B of the Indian Penal Code ("IPC"). The High Court, on reappreciation of the material on record, acquitted the accused.

It is the case of the prosecution that the accused committed the murder of Dilbag Singh, the driver of an

Innova Car, with a view to steal the said car. This is a case based on circumstantial evidence. The only two circumstances are that the accused were last seen together with the deceased, as deposed by Gurbax Singh (PW-35), and the recovery of the clothes and slippers of the deceased as well as the spare parts of the car from the accused. The High Court has, on elaborate discussion of evidence of Dr. Y.P. Rabi (PW-20) and Dr. D.P. Swami (PW-21), the doctors who conducted the post mortem examination, come to the conclusion that the cause of death could not be ascertained since the body was decomposed.

We have gone through the material on record to satisfy our conscience. We find that evidence of PW-35 regarding the last seen circumstance is too vague and shaky. Though in the examination-in-chief he deposed that two persons came to the taxi stand and hired the taxi of the deceased and took away the car, driven by him, with them, in the cross-examination, he admitted that he did not know the names of those two persons. Further, no test identification parade was conducted involving PW-35. It has also come in the evidence of PW-35 that he came to

the Court along with the brother of the deceased. On the whole, we find that his evidence is untrustworthy and too vague to rely upon. Furthermore, the circumstances of recovery of articles cannot be believed either, particularly since there is no reason as to why the accused would carry the shirt and chappals of the deceased from the State of Punjab to Delhi. In that context, the arguments of Mr. Gaurav Agarwal, learned Amicus Curiae, to the effect that these recoveries are planted, assumes importance.

Be that as it may, having gone through the entire material on record, we find that the conclusion reached in the judgment of acquittal is a possible view that could have been taken under the facts and circumstances of this case. Hence, we decline to interfere with the judgment of acquittal.

The appeals are, accordingly, dismissed.

.....J.  
[MOHAN M. SHANTANAGOUDAR]

.....J.  
[R. SUBHASH REDDY]

NEW DELHI;  
FEBRUARY 11, 2020.

ITEM NO.19

COURT NO.13

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 1120/2016

(Arising out of impugned final judgment and order dated 08-07-2015 in CRA No. 119/2013 passed by the High Court Of Himachal Pradesh At Shimla)

THE STATE OF HIMACHAL PRADESH

Petitioner(s)

VERSUS

RAVI KUMAR

Respondent(s)

(WITH INTERIM RELIEF )

WITH

SLP(Cr1) No. 1713/2016 (II-C)  
(WITH INTERIM RELIEF)

SLP(Cr1) No. 1121/2016 (II-C)  
(WITH INTERIM RELIEF)

SLP(Cr1) No. 1711/2016 (II-C)  
(WITH INTERIM RELIEF)

Date : 11-02-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Abhinav Mukerji, AAG  
Ms. Bihu Sharma, Adv.  
Ms. Pratishtha Vij, Adv.  
Mr. Samarth Khanna, Adv.

For Respondent(s) Ms. Nidhi, AOR  
Mr. Vaisal Dathan, Adv.  
  
Mr. Siddharth Luthra, Sr. Adv.  
Mr. P. S. Sudheer, AOR  
Mr. Rishi Maheshwari, Adv.  
Ms. Mayuri Nayyar Chawla, Adv.  
Ms. Anne Mathew, Adv.  
Mr. Bharat Sood, Adv.

Ms. Shruti Jose, Adv.

Mr. Gaurav Agrawal, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are dismissed in terms of the signed order.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(R.S. NARAYANAN)  
COURT MASTER

(Signed order is placed on the file)