

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 145 OF 2017
(Arising out SLP (Crl.) No. 9339 of 2016)

BHARAT LAL

Appellant(s)

VERSUS

STATE OF M.P. (NOW CHHATTISGARH)

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard Ms. Richa Kapoor, learned Amicus Curiae appearing for the appellant and Mr. Atul Jha, learned counsel appearing for the respondent-State.
- 3) This appeal is directed against order dated 30.07.2014 passed by the High Court of Chhattisgarh at Bilaspur whereby the High Court dismissed appeal filed by the appellant-herein and convicted him under Section 302/34 IPC and sentenced him to undergo imprisonment for life.
- 4) We have been taken through the judgments of the High Court and the trial Court.
- 5) We have tested the evidence led in this matter and, in particular, with regard to whether the appellant was holding the hands of the deceased victim. We have also examined all other evidence and such a fact has not been corroborated excepting PW-2. However, when we have gone through the evidence of PW-2, we have not been able to find out the same except it has been specifically

stated it is correct that "I had not seen the quarrel due to the house".

6) It appears to us that there is no positive evidence which has been led in the matter to come to the conclusion by the High Court against the appellant herein. Since the benefit of doubt must go in favour of the accused as it would be seen from the evidence, it would appear that PW-2 is also not in a position to give positive evidence in the matter. Rather, he has failed to substantiate the case of the prosecution.

7) Accordingly, we find that the prosecution has failed to prove the case and hence, we set aside the order passed by the High Court and direct that the appellant be released forthwith, if not required in any other offence.

8) Accordingly, the appeal is allowed.

9) Since this matter came to be filed through the Supreme Court Legal Services Committee, the Registry is directed to send a copy of this order to the concerned jail authorities for compliance thereof.

10) We record our appreciation to the learned Amicus Curiae, who assisted us in coming to the conclusion.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(ROHINTON FALI NARIMAN)

New Delhi;
January 16, 2017.

ITEM NO.54

COURT NO.6

SECTION IIC

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 (Crl.) No(s). 9339/2016

(Arising out of impugned final judgment and order dated 30/07/2014 in CRLA No. 1191/1999 passed by the High Court Of Chhattisgarh At Bilaspur)

BHARAT LAL

Petitioner(s)

VERSUS

STATE OF M.P. (NOW CHHATTISGARH)

Respondent(s)

(with appln. (s) for exemption from filing O.T. and interim relief and office report)

Date : 16/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Ms. Richa Kapoor, Adv. [SCLSC]
Ms. Seema Patnaha, Adv.

For Respondent(s) Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Since this matter came to be filed through the Supreme Court Legal Services Committee, the Registry is directed to send a copy of this order to the concerned jail authorities for compliance thereof.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)