

ITEM NO.7

COURT NO.12

SECTION II-A

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). 1059/2020

[Arising out of impugned final judgment and order dated 10-12-2018 in CRADB No. 117/2010 passed by the High Court of Jharkhand at Ranchi]

SAMRU SWANSI

Petitioner(s)

VERSUS

THE STATE OF JHARKHAND

Respondent(s)

FOR ADMISSION and I.R.

IA No. 17099/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 17097/2020 - EXEMPTION FROM FILING O.T.

Date : 26-03-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Kailash Prashad Pandey, AOR
Mr. Girish Chand Tyagi, Adv.
Mr. Jagdish Chandra Verma, Adv.
Mr. Anurag Tyagi, Adv.
Mr. Hemant Singh, Adv.

For Respondent(s) : Mr. Shantanu Sagar, AOR
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mr. Manoneet Dwivedi, Adv.
Mr. Prakash Kumarmangalam, Adv.
Mr. Abhishek Kumar Gupta, Adv.

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

The petitioner has been convicted by the trial court under Section 302 read with Section 34 of the Indian Penal Code and has been sentenced to undergo Life Imprisonment. The High Court has upheld the conviction and sentence of the petitioner vide impugned Judgment dated 10.12.2018. Aggrieved, the petitioner is before this Court.

Brief facts of the case are that on 13.12.2007 in the morning, the petitioner along with his son attacked the deceased, who was his real nephew. As per the prosecution, both father and son reached at the spot and it was the petitioner who had given the blow to the deceased on the back of the neck and shoulder with a sabbal (iron rod) as a result of which he fell down and then his son took out a *bhujali* (a sharp-edged weapon) and attacked the deceased several times on his neck, chest and stomach, which is evident from the Postmortem Report itself.

Admittedly both the accused came with deadly weapons, threatened the deceased and attacked him. The learned counsel for the petitioner would contend that the blows alleged on the petitioner, the second accused, has not been proved from the medical report.

The postmortem was conducted on 14.12.2007, which records the following antemortem injuries :-

"On External Examination :-

*(i) Sharp cup injury upper part of neck
3: X ¼" x muscle deep*

(ii) Multiple sharp cut injuries 3 in number, below thyroid cartilage size - 5" x ¼"

2nd sharp cut injury just above first injury size 4" x ¼" x muscle deep.

3rd injury over second injury below thyroid cartilage size 3" x ½" X muscle deep.

*(iii) Sharp but injury over right nipple
1" X ½" X muscle deep.*

(iv) Injury on back side below right scapula sharp cut 3" x ½" lateral to the

scapula.

(v) Sharp cut injury medial side of scapular region 3" X ½".

(vi) Sharp cut injury lower part of right scapula 1 ½ " X ½".

(vii) Sharp cut injury lateral side of spine 3" X ½" depth of wound passing into thoracic cavity.

(viii) Sharp cut injury lateral to T-10 vertebra 1 ½" X ¼".

On Internal examination :-

Right thoracic cavity was full of blood, lung collapsed, injury on the posterior side of lung 1 ½" x ½"

Brain and meninges were pale. Spleen, liver, kidney - pale.

Stomach empty. Heart chambers empty.

Urinary bladder full."

The Doctor, PW8 in cross-examination admitted that there were no injuries with a hard and blunt object on the body of the deceased. Even if the blow on the back is disbelieved both the accused were armed and came to the site with definite intention and the petitioner too is guilty of the offence under Section 302 read with Section 34 of the Indian Penal Code.

The incident itself was witnessed by more than one eye-witness, who have stood the ground in spite of cross-examination. It is a clear case where the prosecution has been able to prove its case beyond reasonable doubt and hence, we do not find any scope for interference in the matter. The Special Leave Petition is, accordingly, dismissed.

However, having made the above determination, since we have been informed by learned counsel for the petitioner that the petitioner is not well, we direct the jail authorities to provide him with all possible medical aid.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASST. REGISTRAR-CUM-PS

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR