

**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE JUSTICE SHRI ANAND PATHAK &  
HON'BLE JUSTICE SHRI HIRDESH**

**ON THE 21<sup>st</sup> OF JULY, 2025**

**CRIMINAL APPEAL NO. 3756 OF 2021**

**AMOL SINGH @ RAJU @ LALLU CHANDEL**

**Vs.**

**THE STATE OF MADHYA PRADESH**

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***Appearance:***

*Shri Rajendra Singh Yadav- learned Counsel for appellant through legal aid.  
Shri BPS Chauhan- learned Public Prosecutor for respondent/State.*

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**JUDGMENT**

**Per Justice Hirdesh:**

The instant criminal appeal under Section 383 of CrPC has been filed by appellant from jail, challenging the judgment of conviction and order of sentence dated 7<sup>th</sup> of August, 2018 passed by First Additional Sessions Judge, Sironj, District Vidisha (MP) in Sessions Trial No.149 of 2016, whereby appellant has been convicted under Section 302 of IPC and sentenced to undergo for Life Imprisonment with fine of Rs.10,000/-, in default of payment of fine amount, appellant has been directed to undergo further one year's rigorous imprisonment and on deposit of fine amount, Rs.8,000/- shall be given jointly to the parents of deceased- Saloni as consolation compensation.

(2) Prosecution case, in brief, is that on the date of incident i.e. 17<sup>th</sup> of April, 2016, Saloni with daughter of her maternal uncle - Roshni had gone to the market in Sironj to get her anklet repaired. In market, appellant suddenly

came across Madan Mohanji Temple and inflicted knife blows on her several times due to which, Saloni fell there and accused ran away. The incident was witnessed by Roshni (PW-8) and nearby shopkeepers. Saloni had several wounds in her stomach, chest and neck. Her intestines had come out. When Saloni was taken to the hospital, the doctor declared her dead. The incident that happened with deceased Saloni was reported to PS Sironj *vide Dehati Nalishi* (Ex.P8) by complainant- Rajendra Kumar (PW-5) and a *merg* was recorded. Merg was enquired. On the basis of statements of witnesses, crime was registered against appellant. Appellant was arrested and his memorandum was recorded. Blood stained soil and clothes of deceased were seized from scene of crime and sent to FSL for examination. After completion of investigation and other formalities, charge-sheet was filed by police before the competent Court of criminal jurisdiction from where, the case was committed to Sessions Court for trial.

(3) Charges were framed against accused under Section 302 of IPC. Trial was conducted. During trial, appellant- accused denied having committed the alleged crime. Ten witnesses were examined on behalf of prosecution to prove its case. Exhibited documents were also produced on behalf of prosecution. Statement of accused under Section 313 of CrPC was recorded.

(4) The trial Court, after marshalling and appreciating the entire evidence available on record, specifically evidence of Roshni (PW-8), found appellant guilty of commission of alleged offence; and accordingly, convicted and sentenced appellant *vide* impugned judgment, as stated above.

(5) Challenging the impugned judgment, learned Counsel for appellant submits that Rajendra Kumar (PW-5) and Roshni (PW-8) are relatives of the deceased, so they are interested witnesses and there are so many contradictions and omissions in their Court statements as well as in their statements recorded under Section 161 of CrPC. Although Mukesh (PW-1)

and Ballu Sen (PW-7) have been examined by prosecution, but from their evidence, it is not clear about presence of appellant at the time of commission of alleged offence. Madanlal Sharma (PW-3) has not identified accused, who in his evidence stated that he had seen appellant from behind, who was going towards market saying that "*no one can cheat Raju*". It is further contended that human blood group was not matched with clothes of appellant according to FSL report and the so-called deadly weapon knife was not recovered on the basis of memorandum of accused. Therefore, prosecution story appears to be doubtful. Hence, prayed for setting aside the impugned judgment.

(6) On the other hand, learned Counsel for State by supporting the impugned judgment, submits that Rajendra Kumar (PW-5) and Roshni (PW-8) are the eye-witnesses of the incident and they have fully supported prosecution version. Human blood was found on clothes of appellant which were recovered on the basis of his memorandum. Madanlal Sharma (PW-3) in his examination-in-chief deposed that he had seen appellant from behind, who was going towards market saying that "no one can cheat Raju" and further in Para 02 of his cross-examination, Madanlal Sharma deposed that when appellant-accused was going, he saw that blood was falling from his hand. Prosecution has rightly established appellant guilty of commission of murder of deceased after appreciating the entire evidence of prosecution witnesses and material available on record. There being no infirmity in the impugned judgment and the findings arrived at by the Trial Court do not require any interference by this Court. Hence, prayed for dismissal of this appeal.

(7) Heard counsel for parties at length and perused the record.

(8) The first question comes before this Court is as to whether the cause of death of deceased was homicidal in nature or not?

(9) Dr. Suresh Agrawal (PW-2) in his evidence deposed that on 17-04-2016 he was posted as Medical Officer in Rajiv Gandhi Smriti Hospital, Sironj.

Deceased Saloni was brought by Constable Gajraj Singh for postmortem. The dead body of deceased was identified by her brothers and uncle. On external examination, he found following injuries on the person of deceased:-

- "1. One wound was 1 inch long and half inch wide and penetrating completely through the skin and was spindle shaped i.e. wide in the middle and pointed on both sides; this wound was in the middle of left cheek
2. An incised wound  $\frac{3}{4}$  inch long,  $\frac{1}{2}$  inch wide and skin deep, located on the front side just below the left shoulder joint.
3. A incised wound 1 inch long, half inch wide at the lower end of the throat penetrating windpipe and extending deep up to the food pipe.
4. Two incised wounds each measuring 1 inch long, half inch wide and skin deep extending just below the chin.
5. Two incised wounds each measuring  $\frac{3}{4}$  inch long,  $\frac{1}{2}$  inch wide and deep to windpipe, this injury was on the right side of neck.
6. A incised wound  $\frac{3}{4}$  inch long,  $\frac{1}{2}$  inch wide, skin deep in the epidestric region of the abdomen.
7. Two incised wounds each measuring half inch by half inch and deep to the depth of the skin were on the anterior side of the abdominal wall.
8. Five incised wounds, each measuring one and a quarter inch long, half inch wide penetrating the entire abdominal wall occupying one third of the anterior abdominal wall.
9. Two penetrating wounds, each measuring  $3\frac{1}{2}$  inches long and  $1\frac{1}{2}$  inches wide, which had penetrated the entire abdominal wall and also penetrated the small intestine and a loop of small intestine had come out through the wounds.
10. A cut wound measuring one and a quarter inch long, half inch wide, deep to the depth of the skin, located in the right armpit at the height of the nipple.

On internal examination, Dr. Agrawal found following injuries on the person of deceased:-

" Lungs, windpipe, both lungs, perineal perforation, heart and large vessels were damaged, lower windpipe had perforated wounds filled with bone fragments and blood, chambers on left side of his heart were empty, chambers on right side contained blood, intestinal membranes, oesophagus, stomach, small intestine, large intestine, liver, gallbladder, kidney and urinary bladder were pale, intestines had come out from wound in stomach, stomach was filled with blood, stomach was pierced at two places and food particles were coming out from them, small intestine was pierced at several places and was coming out from wound in stomach and external genitals were normal.

According to opinion of doctor, all the injuries mentioned above were antemortem and appeared to have been caused by hard and sharp object, which was within six hours prior to autopsy. Postmortem report is Ex.P1. Mode of death is syncope due to massive haemorrhage and shock caused by multiple injuries. Injuries found on the body of deceased were sufficient to cause the death.

(10) Considering the medical evidence, specifically statement of Dr. Suresh Agrawal (PW-2) and other witnesses, it is clear that death of deceased was caused by hard and sharp object and bleeding from multiple injuries on the body of deceased, excessive bleeding and shock leading to syncope. The death of deceased was found to have occurred within six hours of postmortem examination. The injuries found on the body of deceased were sufficient to cause her death.

(11) The next question comes before this Court is as to whether appellant with intention caused multiple injuries by means of knife on the deceased leading to her death or not ?

(12) Uncle of deceased Rajendra Kumar (PW-5) in his evidence deposed that the incident was happened on 17-04-2016 around 02:00 pm. On the date of incident, deceased Saloni had gone to market with her maternal uncle's daughter Roshni to get her anklets repaired. When they did not return from market for a long time, he went to market and found both Saloni and Roshni near Peepal tree in market. Saloni told him that Raju (appellant) is following her. This witness further deposed that near Madan Mohanji Temple, suddenly appellant came from behind and started attacking Saloni with a knife several times, due to which, Saloni fell down after getting hurt. This witness in Para 2 deposed that when he tried to catch appellant, appellant ran away. He followed him, but appellant could not be caught. Shopkeepers nearby also saw the accused running. This witness further deposed that when he came to Saloni, he found a lot of injuries on her stomach, neck and body. Her intestines had come out. He picked Saloni up and brought her to hospital, where the doctor declared her dead. This witness in Para 3 of his cross-examination deposed that two-three years ago, accused came to his house and created a ruckus and rang the door due to which, they took him to police station and got him locked up and since then, he has known him. This witness in Para 9 of his cross-examination deposed that when he was returning home with Saloni, he was walking ahead of Saloni and Saloni was walking behind him. This witness further in Para 12 of his cross-examination denied that after death of Saloni, her dead body was lying on spot for 2-3 hours. This witness in Para 14 of his cross-examination deposed that Roshni and auto driver were with them in bringing Saloni from scene of occurrence to hospital. This witness in Para 16 of his cross-examination also admitted that on the date of incident, police had interrogated Roshni and denied that he had any previous enmity with accused.

(13) The material witness in the presence case i.e. Roshi (PW-8) who is the daughter of maternal uncle of deceased Roshni, in her examination-in-chief

deposed that she had gone to the market with her sister Roshni to get anklets repaired. Accused started asking her sister Saloni why she did not pick up his phone. Her sister said the accused not to call her again and again and she cannot marry him without her father's consent. She and her sister Saloni moved towards their home and when they reached near the Temple, accused caught her sister from behind and stabbed her in stomach, chest and neck with a knife due to which, her sister fell there. Accused was saying to her sister that *"if you do not become mine, I will not let you become anyone else"*.

(14) The next contention of learned Counsel for appellant is that complainant Rajendra Kumar (PW-5) and Roshni (PW-8) are the relatives of deceased, so they are interested witnesses. There are contradictions and omissions in their Court statements and in their statements recorded under Section 161 of CrPC.

(15) The Hon'ble Apex Court in the case of **Yogesh Singh vs. Mahaveer Singh (2017) 11 SCC 195** has held as under:-

**"29.** It is well settled in law that the minor discrepancies are not to be given undue emphasis and the evidence is to be considered from the point of view of trustworthiness. The test is whether the same inspires confidence in the mind of the Court. If the evidence is incredible and cannot be accepted by the test of prudence, then it may create a dent in the prosecution version. If an omission or discrepancy goes to the root of the matter and ushers in incongruities, the defence can take advantage of such inconsistencies. It needs no special emphasis to state that every omission cannot take place of a material omission and, therefore, minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and should not be taken to be a ground to reject the prosecution evidence. The omission should create a serious doubt about the truthfulness or creditworthiness of a witness. It is only the serious contradictions and omissions which materially affect the case of the prosecution but not every contradiction or omission.

*(See Rammi @ Rameshwar Vs. State of M.P., (1999) 8 SCC 649; Leela Ram (dead) through Duli Chand Vs. State of Haryana and Another, (1999) 9 SCC 525; Bihari Nath Goswami Vs. Shiv Kumar Singh & Ors., (2004) 9 SCC 186; Vijay @ Chinee Vs. State of Madhya Pradesh, (2010) 8 SCC 191; Sampath Kumar Vs. Inspector of Police, Krishnagiri, (2012) 4 SCC 124; Shyamal Ghosh Vs. State of West Bengal, (2012) 7 SCC 646 and Mritunjoy Biswas Vs. Pranab @ Kuti Biswas and Anr., (2013) 12 SCC 796).*

(16) Further, the Hon'ble Apex Court in the case of **Taqdir Samsuddin Sheikh Vs. State of Gujrat & Another, 2011(10) SCC 158** has held as under:-

“9. We are of the view that all omissions/contradictions pointed out by the appellants' counsel had been trivial in nature, which do not go to the root of the cause. It is settled legal proposition that while appreciating the evidence, the court has to take into consideration whether the contradictions/ omissions/ improvements/ embellishments etc. had been of such magnitude that they may materially affect the trial. Minor contradictions, inconsistencies, omissions or improvements on trivial matters without affecting the case of the prosecution should not be made the court to reject the evidence in its entirety. The court after going through the entire evidence must form an opinion about the credibility of the witnesses and the appellate court in natural course would not be justified in reviewing the same again without justifiable reasons. (Vide: Sunil 8 Kumar Sambhudayal Gupta (Dr.) & Ors. v. State of Maharashtra, (2010) 13 SCC 657).”

(17) So far as the contention of learned Counsel for appellant that Rajendra Kumar (PW-5) and Roshni (PW-8) are the relatives of deceased and their evidence cannot be believed is concerned, it is well-settled principle of law that a witness, who is a relative of deceased or victim or a crime cannot be characterized as "interested witness". Close relationship of witness or victim is no ground to reject his evidence.



(18) The Hon'ble Apex Court in the **Shamim vs. State (NCT of Delhi) (2018) 10 SCC 509** has held as under:-

"9. In a criminal trial, normally the evidence of the wife, husband, son or daughter or the deceased, is given great weight-age on the principle that there is no reason for them not to speak the truth and shield the real culprit."

(19) Further, the Hon'ble Apex Court in the case of **Rizan vs. State of Chhattisgarh (2003) 2 SCC 661** has held as under:-

"6. We shall first deal with the contention regarding interestedness of the witnesses for furthering prosecution version. Relationship is not a factor to affect credibility of a witness. It is more often than not that a relation would not conceal actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In such cases, the court has to adopt a careful approach and analyze evidence to find out whether it is cogent and credible."

7. In *Dalip Singh and Ors. v. The State of Punjab*, AIR (1953) SC 364 it has been laid down as under:-

"26. A witness is normally to be considered independent unless he or she springs from sources which are likely to be tainted and that usually means unless the witness has cause, such as enmity against the accused, to wish to implicate him falsely. Ordinarily a close relation would be the last to screen the real culprit and falsely implicate an innocent person. It is true, when feelings run high and there is personal cause for enmity, there is a tendency to drag in an innocent person against whom a witness has a grudge along with the guilty, but foundation must be laid for such a criticism and the mere fact of relationship far from being a foundation is often a sure guarantee of truth. However, we are not attempting any sweeping generalization. Each case must be judged on its own facts. Our observations are only made to combat what is so often put forward in cases before us as a general rule of prudence. There is no such general rule. Each case must be limited to and be governed by its own facts."

8. The above decision has since been followed in *Guli Chand and Ors. v. State of Rajasthan*, [1974] 3 SCC 698 in which *Vadivelu Thevar v. State of Madras*, AIR (1957) SC 614 was also relied upon.

9. We may also observe that the ground that the witness being a close relative and consequently being a partisan witness, should not be relied upon has no substance. This theory was repelled by this Court as early as in *Dalip Singh's* case *supra* in which surprise was expressed over the impression which prevailed in the minds of the Members of the Bar that relatives were not independent witnesses. Speaking through Vivian Bose, J. it was observed:

"25. We are unable to agree with the learned Judges of the High Court that the testimony of the two eyewitnesses requires corroboration. If the foundation for such an observation is based on the fact that the witnesses are women and that the fate of even men hangs on their testimony, we know of such rule. If it is grounded on the reason that they are closely related to the deceased we are unable to concur. This is a fallacy common to many criminal cases and one which another Bench of this Court endeavoured to dispel in *Rameshwar v. State of Rajasthan*, AIR (1957) SC 54 at p.59). We find, however, that the unfortunately still persists, if not in the judgments of the Courts, at any rate in the arguments of counsel."

**10.** Again in *Masalti and Ors. v. State of U.P.* AIR (1965) SC 202 this Court observed; 202-210 para 14;

"But it would, we think, be unreasonable to contend that evidence given by witnesses should be discarded only on the ground that it is evidence of partisan or interested witnesses.....The mechanical rejection of such evidence on the sole ground that it is partisan would invariably lead to failure of justice. No hard and fast rule can be laid down as to how much evidence should be appreciated. Judicial approach has to be cautious in dealing with such evidence: put the plea that such evidence should be rejected because it is partisan cannot be accepted as correct."

11. To the same effect is the decision in *State of Punjab v. Jagir Singh*, AIR (1973) SC 2407 and *Lebna v. State of Haryana*, [2002] 3 SCC 76.

(20) Thus, if a witness has a direct or indirect interest in seeing the accused punished due to prior enmity or other reasons, and has a strong motive to falsely implicate the accused, then he would be called an "interested witness". But, from evidence of Rajendra Kumar (PW-5) and Roshni (PW-8), nothing reveals from their motive to falsely implicate accused and their evidence substantially unrebutted in their cross-examination, therefore, their evidence could not be discarded merely because they are the relative witnesses of deceased.

(21) Further contention of learned Counsel for appellant is that from the evidence of Mukesh (PW-1), Ballu Sen (PW-7) and Madanlal Sharma (PW-3), it is not clear about the presence of accused at the time of alleged incident. No blood group was matched with the clothes of appellant recovered from his possession.

(22) From the evidence of Mechanic Mukesh (PW-1), who used to work in his auto-part shop and Ballu Sen (PW-7), who used to run a handcart, it was found that accused was roaming before the incident at around 10:00-11:00 am in Sironj market. Madanlal Sharma (PW-3) in his evidence deposed that he had seen accused from behind who was going towards the market saying "*no one can cheat Raju*" and later, he came to know that a girl aged 17-18 years was murdered. Appellant was arrested within three hours. In Para-2 of his cross-examination, Madanlal Sharma further deposed that blood was coming out from the hand of accused. If a witness could not notice some part of the incident, then his evidence cannot be totally disbelieved. Further, from arrest memo (Ex.P6) of accused, his physical condition was found proved that there was blood on his right cheek. Roshni (PW-8), daughter of maternal uncle of

deceased also in Para 2 of her statement deposed that she was present at the scene of occurrence along with deceased and her evidence is also supported by complainant - Rajendra Kumar (PW-5). Seizure witnesses Hargovind (PW-6) and Shaki (PW-4) have also proved arrest memo (Ex.P6) of accused.

(23) It is true that human blood was found on the clothes recovered from the possession of appellant- accused, but according to the FSL report, it was inconclusive in regard to classification of blood group, but appellant has failed to prove as to why and how human blood was found on the clothes recovered from him. So, merely blood group was not matched, does not give any benefit to the appellant. It is also need to mention here that this case is based on eye-witnesses account and not based on circumstantial evidence. So, no classification of blood group does not give benefit to accused.

(24) On perusal of medical evidence, it was found that appellant had inflicted multiple repeated blows with a sharp-edged weapon (knife) on the deceased Saloni in front of witness Roshni (PW-8) on the vital part of deceased and the injuries sustained by deceased were sufficient to cause her death. The *modus operandi* of accused also reflects that he had committed the alleged offence. It is proved beyond shadow of doubt that deceased was murdered and the prosecution has rightly established beyond reasonable doubt the intention of accused to cause death of deceased.

(25) In the light of foregoing discussion, we are of the considered opinion that the learned trial Court has properly and legally analyzed and appreciated the entire evidence available on record and did not err in convicting and sentencing appellant. The learned trial Court has rightly found appellant-accused guilty of committing murder of Saloni (deceased) and accordingly, convicted and sentenced him for offence under Section 302 of IPC.

(26) Appeal filed by appellant from jail appears to be devoid of any substance and is hereby **dismissed**. The impugned judgment of conviction and order of sentence is **affirmed**. Appellant is in jail. He be intimated with the result of this appeal through Jail Superintendent concerned.

(27) With a copy of this judgment, let record of the trial Court be sent back immediately.

**(ANAND PATHAK)**  
**JUDGE**

**(HIRDESH)**  
**JUDGE**