

Citation analysis

Mathura Yadav vs state of Bihar 2002 (6) SCC 451

Mahabir Mohato was attacked by the accused with an axe and Lathi. The incident was seen by 7 witnesses who rushed to the place of incident on hearing cries of the deceased. The sessions court believed the evidence adduced by the prosecution and sentenced the accused to undergo life imprisonment. Appeal filed by the accused before the High Court was dismissed. The Supreme Court found glaring discrepancies in evidence adduced by the prosecution which are as under,

1. The eye witnesses examine are all relatives of the deceased. Two independent witnesses who as per the prosecution had seen the incident were not examined.
2. In the FIR it was mentioned that only axe was used by the accused but considering the nature of injuries it was stated in evidence that Lathi was also used.
3. The presence of eye witness examined by the prosecution is seriously disputed on the basis of omissions and contradictions in their evidence.
4. There was serious dispute about the time lodging of the FIR and when the FIR was tendered before jurisdictional magistrate.
5. Seizure of blood stained mud and grass is not established beyond reasonable doubt.
6. There has been no recovery of weapon from any of the accused.
7. Motive for commission of deadly assault suggested by the prosecution is very weak and stale.

These findings may be useful to the trial Court Judges while appreciating evidence in a similar case of causing death or hurt.
