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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL. A. 193/2017

SUNIL KUMAR

..... Appellant

Through: None

versus

STATE

.....Respondent

Through: None.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I. S. MEHTA

ORDER

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02.11.2017

In the judgment pronounced on 31st October 2017, the word ‘conceivable’ occurring in para 23 should stand corrected as ‘inconceivable’. The corrected para 23 will read thus:

“23. We then come to the next crucial witness PW-14. He too states that PW-1 was sitting on the cot and eating food. The accused was sitting on the cot next to that on which POW-1 was sitting. He states that Dinesh was standing near the cot. His exact words are: "All of a sudden, we heard bullet fire". He further states that “Constable Sunil had an SLR in his hand and Constable Dinesh was bleeding from his chest and back. Constable Kalu Ram snatched the SLR from Constable Sunil.” Therefore, even PW-14 did not hear the sound of cocking of the SLR. He too did not hear PW-1 caution the accused that the SLR was loaded. He too did not hear PW-1 ask the accused what he was doing. Considering the size of the barrack and that there were only five persons present, it is **inconceivable** that if the accused had indeed cocked the SLR or if PW-1 had cautioned him that it was loaded, neither PW-8 nor PW- 14 would have heard it. PW-14 also did not see

the accused pointing the SLR at Dinesh prior to the firing.”

S. MURALIDHAR, J.

I. S. MEHTA, J.

NOVEMBER 02 2017

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