

HC upholds life term for CRPF jawan who killed 4 colleagues

'Hectic Duty Without Leave No Excuse For Killing'

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sion Bench of Chief Justice Ramesh Sinha and Justice Bibhu Datta Guru.

Kumar, 35, a resident of Sikahara, Firozabad, Uttar Pradesh, appealed against the judgement passed on Aug 27, 2024, by the Additional Sessions Judge, Special Court (Naxal), Dantewada. The trial court convicted and sentenced him to four life imprisonments under Section 302 of IPC, along with a fine of Rs500 for each conviction. Additionally, he received 10 years of rigorous imprisonment under Section 307 IPC, two years under Section 25(1B)(a) of the Arms Act, and three years under Section 27(1) of Arms Act.

The incident occurred on Dec 9, 2017, at 168th Battalion CRPF Camp premises in Basaguda, Bijapur district. Kumar was accused of firing indiscriminately with two assault rifles, killing SI Vicky Sharma, Sub-Inspector Megh Singh, Assistant Sub-Inspector Rajveer Singh & Constable Shankar Rao Ghanta. Assistant SI Gajanand was also injured.

The prosecution stated that the accused had a rivalry with Sub-Inspector Vicky Sharma over duty allotment. On the day of the incident, Kumar allegedly retrieved an

AK-47 rifle from his barrack and opened fire on his colleagues. Gajanand managed to escape with bullet injuries, while the others succumbed to their wounds. Constable Shankar Rao Ghanta, who was hiding, was also shot dead by Kumar.

The High Court observed that the death of the four CRPF personnel was homicidal, a fact not disputed by either party. Medical officers Dr P Vijay and Dr Pawan Milkhe, who conducted the post-mortems, testified that the deaths were due to haemorrhagic shock from gunshot injuries.

The court relied heavily on the testimony of Gajanand Sharma, the injured eyewitness, who identified Kumar as assailant. Other eyewitnesses stated that Kumar was seen with two rifles and admitted to "cleaning the filth" from the company after shooting.

The court noted that Kumar, in his statement, claimed he was falsely implicated for raising his voice against the alleged illegal killing of an innocent villager. However, the court found no explanation for the bullet injuries sustained by the victims and the absence of any Naxal attack on the camp. Evidence suggested Kumar held a grudge against deceased Vicky, who suggested his name for a Dog Handler Course, which prevented him from getting leave.

Raipur: The Chhattisgarh High Court upheld the life imprisonment sentence for Sant Kumar, a CRPF jawan, convicted of murdering four of his colleagues and injuring another in Dec 2017. The court dismissed his appeal, stating that long working hours or a difficult environment do not justify taking such extreme measures.

"Long working hours without leave and a difficult environment do not give the right to any person to vent his anger by causing the death of his own colleagues. The appellant, being a member of the armed force, was responsible for the security and safety of the people of the area from the Naxalites. Instead of performing his duty, the appellant took a drastic measure by opening fire indiscriminately with two assault rifles upon the fellow members, which, by no stretch of the imagination, can fall under Section 304 Part I or II of the IPC. Kumar was well aware of the consequences, and ordinarily, a member of the armed force is issued only one rifle, but the appellant was carrying two rifles at a time and used both, which suggests that he had premeditation for causing the crime in question," observed the Divi-