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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 602-603 OF 2009

UTTAM KUMAR & ANR. ...APPELLANT(S)

VERSUS

STATE OF HIMACHAL PRADESH ...RESPONDENT

WITH
CRIMINAL APPEAL NO. 513 of 2010

O R D E R

1. These appeals are directed against the judgment and order passed by the High Court of Himachal Pradesh at Shimla in Criminal Appeal Nos. 25, 50 and 199 of 1998 dated 17.09.2008. By the impugned judgment, the High Court has affirmed the judgment and order passed by the Trial Court, whereby the Trial Court has convicted the appellants for the offence under Sections 120-B read with Sections 302 and 382 of the Indian Penal Code, 1860 ("the IPC" for short).
2. These appeals were adjudicated earlier by this Court and by a common judgment and order dated 27.04.2007, this Court had remanded the cases back to the High Court for reconsideration of the evidence on record and to pass speaking order in accordance with law.
3. The High Court after reconsideration of the evidence on record including testimonies of the prosecution witness, analysis of the exhibits and duly appreciating the judgment and order of the Trial Court has reached to the conclusion that the Trial Court has correctly convicted the three accused persons for the aforesaid offence and sentenced them to imprisonment for life alongwith fine by judgment and order dated 17.09.2008. Being aggrieved by the aforesaid, three accused persons are before us in this appeal.
4. With the able assistance of learned counsel for the appellant, Mr. Shiv Sagar Tiwari and learned counsel for the respondent-State, Mr. Varinder Kumar Sharma, we have carefully perused the judgment and order passed by the Trial Court as well as the High Court. We have also carefully perused the evidence recorded by the Trial Court, in particular the evidence of PW-1, PW-2, PW-3, PW-4 and PW-5.
5. We are fully satisfied that both the Trial Court and the High Court after careful consideration and appreciation of the evidence on record have convicted and sentenced the accused-appellants for offence under Section 120-B read with Sections 302 and 382 of the IPC. We do not find any perversity in the conclusion reached by the Trial Court and the High Court which would call for our interference in these appeals.
6. Accordingly, the Criminal Appeals are dismissed.

Ordered accordingly.

.....J.
(H. L. DATTU)

.....J.

(MADAN B. LOKUR)

New Delhi;
August 1, 2013
ITEM NO.101

COURT NO.4

SECTION IIB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 602-603 OF 2009

UTTAM KUMAR & ANR. Appellant (s)

VERSUS

STATE OF HIMACHAL PRADESH Respondent(s)

(With appln(s) for bail and early hearing and office report)

WITH APPEAL(CRL) NO. 513 of 2010
(With office report)

Date: 01/08/2013 These Appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Appellant(s) Mr. Shiv Sagar Tiwari,Adv.

Ms. Shipra Ghose, Adv. (A.C.)

For Respondent(s) Mr. Varinder Kumar Sharma,Adv.

Mr. Prashant Bhushan, Adv. (Not present)

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

The Criminal Appeals are dismissed in terms of the signed
order.

Fees of the Amicus Curiae is fixed at Rs. 7000/-

| (S.K. Rakheja)
|Court Master

| |(Vinod Kulvi)
| |Assistant Registrar

(Signed order is placed on the file)