

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). 1249-1251 OF 1999

STATE OF U.P.

Appellant (s)

VERSUS

SUNDER SINGH & ORS

Respondent(s)

Date: 12/04/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE S.B. SINHA

For Appellant(s)

Mr. Pramod Swarup, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

For Respondent(s)

Mr. D.B. Vohra, Adv.

Mr. Jetendra Singh, Adv.

Mr. S.K. Sabharwal, Adv.

UPON hearing counsel the Court made the following

J U D G M E N T

The appeals are dismissed in terms of the signed judgment.

Non-Reportable.

(Sheetal Dhingra)

(Vijay Dha

wan)

Court Master

Court Master

[Signed Non-reportable judgment is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos.1249-1251 OF 1999

STATE OF U.P.

..Appellant(s

)

Versus

SUNDER SINGH & ORS

..Respondent(s)

J U D G M E N T

B.P.SINGH,J.

In this appeal by special leave, the State of Uttar Pradesh has impugned the

common judgment and order of the High Court of Judicature at Allahabad, Lucknow

Bench, Lucknow in Criminal Appeal Nos.590, 598 and 601 of 1979. The respondents,

herein were the appellants in the appeals before the High Court, who had challenged the

judgment and order of the VII Addl. Sessions Judge, Hardoi dated 20th July, 1979

convicting the appellants variously under Sections 302/149, 148 IPC, 324/149 IPC. They

were sentenced to life imprisonment under Section 302/149 IPC and 2 years rigorous

imprisonment both under Sections 148 and 324/149 IPC.

The appeals preferred by the respondents were allowed by the High Court by its

judgment and order dated 31st July, 1995.

These appeals arise out of an occurrence which took place on 29.1.1978 at

9.00 A.M. in village Amrita, just outside the house of PW-1 the informant. In the

occurrence, the respondents herein and some others are said to have attacked the deceased

Hira Singh, armed with fire arms and lathis, as a result of which the aforesaid Hira Singh

succumbed to his injuries. The prosecution relied upon the testimony of the 4 witnesses

as eye witnesses, namely, PWS.1,2,8&9. The High Court has found these witnesses to be

unreliable for the reasons recorded by it.

We have gone through the judgment of the High Court and we find that it has

considered the evidence of the witnesses and pointed out the infirmities in their evidence

which dis-credited their testimony. We find that the appreciation of the evidence by the High Court is neither perverse nor are the findings recorded not supported by evidence on record. Moreover, the conclusion reached by the High Court is a possible reasonable conclusion which could be arrived at on the basis of the evidence on record.

We, therefore, find that this is not a case in which this Court may be justified in interfering with the order of acquittal.

In the result, we find no merit in these appeals and the same are accordingly dismissed.

The bail bonds of the respondents are discharged.

.....J.

(B.P. SINGH)

J.

.....

(S.B. SINHA)

New Delhi

April 12, 2005.