

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). 481 OF 2005

SIRI NIWAS PANDEY Appellant (s)

VERSUS

STATE OF PUNJAB Respondent(s)

(With office report)

Date: 18/04/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s) Mr. P.N. Puri, Adv.  
Mr. Dhiraj, Adv.  
Mr. Sarbjit Singh, Adv.

For Respondent(s) Mr. D.P. Singh, Adv.  
Mr. Arun K. Sinha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Appeal fails and the same is dismissed.

[ Charanjeet Kaur ]

Court Master

[ Om Prakash ]

Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 481 OF 2005

Siri Niwas Pandey	..	Appellant(s)
		Versus
State of Punjab	..	Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellant along with accused Deepak Pandey was tried and by judgment rendered by the trial Court, they were acquitted of the charge. On appeal being preferred by the State of Punjab, the High Court upheld the acquittal so far as accused Deepak Pandey is concerned, but reversed the same in relation to the appellant and convicted him under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay fine of Rs. 20,000/-, in default to undergo further imprisonment for a period of one year. Hence, this appeal.

We have been taken through the judgments as well as the evidence of the two eye-witnesses, namely, Baij Nath(P.W.3) and Pran Nath (P.W.4). The names of these eye-witnesses have been

mentioned in the first information report itself and they

..2/-

have consistently supported the prosecution case. Nothing could be elicited during the course of cross-examination of these eye-witnesses to disbelieve their testimony. The High Court reversed the order of acquittal after recording a finding that the judgment of acquittal suffered from the vice of perversity. The evidence of these two eye-witnesses is corroborated by the medical evidence. This being the position, we are of the view that the High Court was justified in reversing the order of acquittal and convicting the sole appellant.

Accordingly, appeal fails and the same is dismissed.

.....J

[ B.N. AGRAWAL ]

.....J

[ Dr. AR. LAKSHMANAN ]

.....J

[ D.K. JAIN ]

NEW DELHI,  
APRIL 18,2006.

