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Cr1.A.No. 261 OF 1997  
ITEM No.105

Court No. 10

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No.261 of 1997.

DALBIR SINGH Appellant (s)

VERSUS

STATE OF U.P. Respondent (s)

Date : 11/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR.JUSTICE B.N. AGRAWAL  
HON'BLE MR.JUSTICE B.N. SRIKRISHNA

For Appellant (s) Mr.Ranbir Singh Yadav, Adv.

For Respondent (s) Mr.Kamlendra Mishra, Adv.

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

Heard the learned counsel for the parties for a few minutes.  
The appeal is allowed in view of the signed order.

[Naresh Kumar] [Promila Nagpal]  
AR-cum-PS Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 261 OF 1997

DALBIR SINGH  
...  
APPELLANT (S)

VERSUS

STATE OF U.P.  
...  
RESPONDENT (S)

O R D E R

Heard the parties.

The sole appellant was charged and tried for offence under Section 409, IPC, and by judgment dated 26th April, 1988, acquitted by the trial court. When the matter was taken in appeal by the State of U.P. the High Court set aside the order of acquittal and convicted the appellant under Section 409, IPC and sentenced him to imprisonment for one year. We have been taken through the judgments rendered by the trial court as well as the High Court. In our view, the reasoning of the trial court for acquittal cannot be said to be perverse but the view taken appears to be a reasonable one. Therefore, the High Court was not justified in interfering with the order of acquittal. Accordingly, the appeal is allowed. The impugned order passed by the High Court is set aside and the order of acquittal recorded by trial court is restored. The appellant who is on bail is discharged from the liability of the bail bonds.

.....J.  
( B.N. AGRAWAL )

.....J.  
( B.N. SRIKRISHNA )  
New Delhi,  
December 11, 2003.