

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. 908 OF 2004

AFSAR @ OFFICER

Appellant (s)

VERSUS

STATE OF M.P.

Respondent(s)

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

Date: 09/03/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. Shiv Kumar Suri, Adv.(SCLSC)

Mr. B.K. Punj, Adv.

For Respondent(s)

Mr. Vishwajit Singh, Adv.

for Ms. Vibha Datta Makhija, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed.

[Alka Dudeja]
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. 908 OF 2004

Afsar @ Officer

...Appellant (s)

Versus

State of Madhya Pradesh

...Respondent(s)

O R D E R

The sole appellant, along with three other accused persons, namely, Rameshwar Dayal, Shiv Narayan and Om Prakash, was convicted under Section 302 read with Section 34 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay fine of Rs.500/- each; in default to undergo simple imprisonment for a period of three months. On appeal being preferred, the High Court confirmed conviction of all the four accused persons, including the appellant. So far as the other three accused persons are concerned, their conviction attained finality as they did not move this Court. This appeal by special leave has been filed on behalf of the sole appellant.

Having heard learned counsel for the parties and perused the records, we are o

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the view that the two Courts below have convicted the accused persons on the basis of

evidence of three eye-witnesses, namely, P.Ws 1, 2 and 3 and their evidence is corroborated

by the test identification parade, which was conducted in the presence of P.W.7, Naik

Tehsildar, namely, Prabhat Ranjan Upadhyay. We, therefore, do not find any infirmity in

the conviction of the appellant.

Accordingly, the appeal fails and the same is dismissed.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

March 09, 2005.