

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

C R I M I N A L A P P E A L N O (s) . 4 7 O F 2 0 0 2

S T A T E O F U . P .

A p p e l l a n t (s)

V E R S U S

S A T P A L & O R S .

R e s p o n d e n t (s)

Date: 11 / 11 / 2008 This Appeal was called on for hearing today.

C O R A M :

H O N ' B L E D r . J U S T I C E A R I J I T P A S A Y A T
H O N ' B L E D R . J U S T I C E M U K U N D A K A M S H A R M A

For Appellant(s) Mr. T.N. Singh, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamendra Mishra, Adv.

For Respondent(s) Mr. Amit Anand Tiwari, Adv.
Mr. Vivek Singh, Adv.
Mr. Prashant Shukla, Adv.
Dr. Kailash Chand, Adv.

Mr. R.D. Upadhyay, Adv.

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

The appeal is dismissed in terms of the signed order.

(Shashi Bal a Vij)
Court Master

(Neena Verma)
AR- cum- P S

Signed order is placed on the file.
I N T H E S U P R E M E C O U R T O F I N D I A

C R I M I N A L A P P E L L A T E J U R I S D I C T I O N

C R I M I N A L A P P E A L N O . 4 7 O F 2 0 0 2

State of U.P.

...Appellant

Versus

Satpal and Ors.

...Respondents

Heard.

Having heard learned counsel for the parties, we are not satisfied that this is a case where any interference is called for. It is to be noted that the respondents faced trial for alleged commission of offences punishable under Section 302 read with Section 34, 452 and 323 read with Section 34 of the Indian Penal Code, 1860 (in short 'the I PC'). The sentence of life imprisonment was awarded in relation to the offence punishable under Section 302 read with Section 34 I PC whereas in the other offences, two years rigorous imprisonment' and one year rigorous imprisonment was awarded. The occurrence took place on 06.03.1980. By the impugned judgment, the High Court altered the conviction by finding the respondents guilty for offences punishable

-2-

under Section 325 read with Section 34 I PC and Section 452 I PC. Three years rigorous' imprisonment and a fine of Rs. 10,000 / - with default stipulations in case of each of the respondents was imposed. It was further directed that in case of deposit of fine of the total amount of Rs.40,000 / - , a sum of Rs. 25,000 / - has to be paid to the widow of the deceased Jai P r a k a s h , if she was alive. In her absence, the amount was to be paid to her sons in equal proportion. It was ultimately directed that in case the sons of the deceased are not there, the amount was to be paid to the complainant Santosh Kumar , P W- 1. The balance amount was directed to be deposited with the State exchequer.

The High Court, after analysing the evidence, recorded the conclusion regarding the guilt and sentence. We find that the High Court's analysis is not in any way deficient to warrant interference. The appeal fails and is dismissed.

.....J.

(Dr. ARI J I T PA S A Y A T)

.....J.

(Dr. MUKUN D A K A M SHA R M A)

New Delhi,
November 11, 2008 .