

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. 600 OF 2004

AIJAZ AHMAD

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

Date: 05/04/2005 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s)

Mr. R.K. Jain, Sr.Adv.

Mr. Z.F. Faizan, Adv.

Mr. Vineet K. Tyagi, Adv.

Mr. Goodwill Indeevar, Adv.

For Respondent(s)

Dr. Indra Pratap Singh, Adv.

Ms. Rashmi Singh, Adv.

for Mr. Jatinder Kumar Bhatia, 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. 600 OF 2004

Aijaz Ahmad
Appellant (s)

...A

Versus

State of Uttar Pradesh

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The appellant herein was convicted by the Trial Court under Section 302 of the

Indian Penal Code and sentenced to undergo imprisonment for life and to pay
fine of

Rs.500/-; in default, to undergo further imprisonment for a period of six months. On

appeal being preferred, the High Court confirmed the conviction. Hence, this appeal by

special leave.

Conviction of the appellant is based upon the dying declarations. The first

dying declaration was made before P.W.4-Ashraf and the second one before P.W.3-

Shamim Ahmed. The other two dying declarations were in writing, out of which the dying

declaration Exh.Ka-2 was recorded by Tehsildar in the presence of P.W.1-Dr.H.C. Dua.

Thereafter the statement of the victim was recorded by Police Officer, P.W.10-N.P.

Deshwal, on the basis of which First Information Report was lodged (Exh.Ka-5). The two

courts below, after thoroughly considering the evidence adduced by the parties, have given

cogent reasoning for placing reliance upon the above dying declarations. We do not find

any infirmity therein, as such no ground for interference with the impugned judgment is

made out.

The appeal, accordingly, fails and is dismissed.

.....J.

(B.N. Agrawal)

.....J.

(P.K.Balasubramanyan)

New Delhi,

April 05, 2005.