

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). 638 OF 2004

RAJENDRA YADAV @ RAJENDRA GOPE

Appellant (s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With office report )

Date: 12/04/2005 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. Sakesh Kumar, Adv. (AC)

For Respondent(s)

Mr. Saket Singh, Adv.

Mr. B.B. Singh, 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 in terms of the signed order.

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Court Master

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[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 638 OF 2004

ant(s) Rajendra Yadav @ Rajendra Gope .. Appell

Versus

) State of Bihar .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

gment The appellant along with other nine accused persons was tried and by jud

rendered by the trial Court while accused Ramashray Gope was acquitted, th  
e other nine

accused, including, the appellant were convicted under Sections 302/149 of the Ind  
ian Penal

Code and sentenced to undergo imprisonment for life. The appellant and accused Deonandan

Gope were further convicted under Section 27 of the Arms Act and sentenced  
to undergo

rigorous imprisonment for a period of three years. Both the sentences, however, were ordered

to run concurrently. On appeal being preferred, the High Court upheld convicti  
ons of the

appellant and accused Deonandan Gope whereas acquitted other seven persons. So far  
as

accused Deonandan Gope is concerned, he did not prefer any appeal whereas the present appeal

by special leave has been filed by appellant Rajendra Gope alone.

The prosecution case is supported by four eye-witnesses, namely, Ajay Kumar

(PW.3), Vijay Prasad (PW.4),

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Sadhu Prasad (PW.5) and Bhishma Prasad (PW.6) and their evidence is corroborated by the medical evidence as the case of fire-arm injury is proved from the post mortem report. Apart from that, first information report was lodged within two hours of the time of the alleged

occurrence. The trial Court as well as the High Court have recorded convictions of the

appellant after taking into consideration the ocular evidence as well as medical evidence. We

do not find any infirmity in the impugned judgments, as such no ground for interference is

made out.

Appeal, accordingly, fails and the same is dismissed.

.....J[ B.N. AGRAWAL ]

.....J [ H.K. SEMA ]

NEW DELHI,

APRIL 12, 2005.