

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL Nos.1841-1842 OF 2011**

**PRABHA SHARMA**

**... APPELLANT**

**Versus**

**BALRAM PATEL**

**... RESPONDENT**

**WITH**

**SLP(Cr1) No.7313/2011**

**SLP(Cr1) No.970/2012**

**O R D E R**

1. Criminal Appeal Nos.1841-1842 of 2011 have been preferred by the wife of the deceased Basant Sharma @ Guddu Sharma against the impugned judgment dated 27.10.2010 by which the High Court has set-aside the conviction and sentence of the accused Gudda @ Vijay Patel under Section 302/34 IPC and has further partly allowed the Criminal Appeal No.1569/2002, filed by the co-accused Balram Patel by setting aside his conviction and sentence under Section 302 IPC by convicting him under Section 304 Part-I IPC and sentenced him to 10 years rigorous imprisonment and to pay fine of Rs.5000/-.

2. SLP(Cr1.)No.7313 of 2011 has been filed by the State of Madhya Pradesh challenging the impugned judgment and order dated 27.10.2010 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.1263 of 2002 whereby the High Court set aside the judgment of the Trial Court and acquitted the respondent in

respect of offences committed under Section 302 read with 34 of IPC.

3. SLP(Cr1.)No.970 of 2012 has also been preferred by the State of Madhya Pradesh challenging the impugned judgment and order dated 27.10.2010 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.1569 of 2002 whereby the High Court partly allowed the appeal and set aside the conviction under Section 302 of IPC and sentence of imprisonment for life and convicted him under Section 304 part I of IPC and sentenced him to undergo rigorous imprisonment for 10 years and to pay fine of Rs.5,000/-.

4. Today, when these matters are taken up for hearing, it is reported that the respondent - Balram Patel in Criminal Appeal Nos.1841-1842 of 2011 and SLP(Cr1.)No.970/2012 is no more. What survives is the appeal against Accused No.2 - Gudda @ Vijay Patel.

5. Having heard learned counsel for the parties and on carefully perusing the material placed on record, we do not find any error in the impugned judgment passed by the High Court.

6. Accused No.2 has been implicated by the application of Section 34 IPC. The High Court upon analysing the evidence of eye witnesses came to the correct conclusion that the existence of common intention is absent with Accused No.2 though his presence at the place of occurrence is not in doubt. In the absence of any contrary material to come to a different conclusion to the one arrived at by the High Court after analysing the evidence produced before it, we do not find any ground to reverse the well-reasoned judgment passed by the High Court.

7. In view of the above, the appeals and the Special Leave Petitions are dismissed.

8. As a sequel to the above, pending interlocutory application, if any, also stand disposed of.

.....J.  
(M.M. SUNDRESH)

.....J.  
(J.B. PARDIWALA)

NEW DELHI;  
AUGUST 17, 2023.

ITEM NO.104

COURT NO.14

SECTION II-A

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(s).1841-1842/2011

PRABHA SHARMA

Appellant(s)

VERSUS

BALRAM PATEL

Respondent(s)

WITH

SLP(Cr1) No. 7313/2011 (II-A)SLP(Cr1) No. 970/2012 (II-A)

Date : 17-08-2023 These appeals/petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Ms. Ankita Choudhary, A.A.G.  
Mr. Sunny Choudhary, AOR  
Mr. Abhimanyu Singh, Adv.  
Mr. Kushagra Singh, Adv.

Mr. Manish Kumar Choudhary, Adv.  
Ms. Srishti Choudhary, Adv.  
Ms. Namita Choudhary, AOR

Ms. Ankita Choudhary, A.A.G.  
Mr. Pashupathi Nath Razdan, AOR  
Mr. Mirza Kayesh Begg, Adv.  
Ms. Maitreyee Jagat Joshi, Adv.  
Mr. Astik Gupta, Adv.  
Mr. Rohan Mazumdar, Adv.

For Respondent(s) Mr. Vikas Singh Jangra, AOR

Ms. Ankita Choudhary, A.A.G.  
Mr. Sunny Choudhary, AOR  
Mr. Abhimanyu Singh, Adv.  
Mr. Kushagra Singh, Adv.

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

The appeals and the Special Leave Petitions are dismissed in terms of the signed order.

As a sequel to the above, pending interlocutory application, if any, also stand disposed of.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(RAM SUBHAG SINGH)  
COURT MASTER (NSH)

(Signed order is placed on the file)