

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). 460 OF 2006

STATE OF U.P.

Appellant (s)

VERSUS

DEVENDRA SINGH & ORS.

Respondent(s)

(With office report)

Date: 07/06/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR
[VACATION BENCH]

For Appellant(s) Mr. R.K. Gupta, Adv.
Mr. Rajeev Dubey, Adv. for
Mr. Kamlendra Mishra, Adv.

For Respondent(s) Mr. Ashok Kumar Sharma, Adv.

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

The Appeal stands dismissed in terms of the signed
order.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 460 OF 2006

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O R D E R

Heard learned counsel for the parties.

This Appeal has been preferred against the judgment
and order dated 9th November, 2004 passed by the High Court
of Judicature at Allahabad in Government Appeal No. 3992 of
2002, by which it refused to grant leave to appeal and the
application for grant of leave to appeal as well as the

appeal has been dismissed. In fact, while considering the application for leave to grant appeal, the High Court has re-appreciated the evidence and came to the conclusion that the trial court was right in acquitting the respondents herein vide judgment and order dated 26th April, 2002 in Sessions Trial No. 299 of 2000 in view of the fact that the sole witness Omwati (PW-1) was not trustworthy in the facts and circumstances of the case as discussed by the trial court. We have gone through the statement of Omwati (PW-1) and the finding recorded by the trial court as well as by the High Court regarding trustworthiness of Omwati (PW-1).

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There is unwarranted improvement in her version that from her statement recorded under Section 161 Cr.P.C. The trial court has given cogent reasons doubting her presence at the place of occurrence. Recoveries made by the Investigation Officer have also been found doubtful.

In view of the above, we see no cogent reason to interfere with the well reasoned judgment of the trial court granting acquittal to the respondents herein and the High Court's order rejecting the application to grant leave to appeal.

In the result, the Appeal stands dismissed.

.....J.
(DR. B.S. CHAUHAN)

NEW DELHI;
JUNE 07, 2011.

.....J.
(SWATANTER KUMAR)