

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). 472 OF 2004

MATA PRASAD DUBEY & ORS.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for exemption from filing O.T.,permission to file additional documents)

Date: 21/09/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. U.U. Lalit, Sr.Adv.  
Mr. D.P.Pande, Adv.  
Mr. Meenesh Dubey, Adv.for  
Mr. S.R. Setia,Adv.

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.  
Mr. Manoj K. Mishra, Adv.  
Mr. Anuvrat Sharma,Adv.

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

The Appeal is dismissed.

(Parveen Kr. Chawla)  
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. 472 OF 2004

Mata Prasad Dubey & Others

..Appellants

versus

State of U.P.

..Respondent

O R D E R

This Appeal has been filed against the impugned judgment and order dated 30th January, 2004 of the High

Court of Judicature at Allahabad in Criminal Appeal No. 65 of 1995.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

Having heard learned counsel for the parties and having gone through the judgment of the trial Court and the impugned judgment of the High Court, we are in agreement with the High Court that the trial Court discarded the evidence of Ram Pyare Rai PW1 and Sharda Devi PW2 with a cursory approach without an in-depth analysis.

The trial

Court was not right in ignoring the dying declaration of the deceased Ajit Kumar Rai.

Hence, the High Court was

right in reversing the finding of acquittal recorded by the trial Court.

The Appeal is dismissed accordingly.

By order dated 27th April, 2004, the appellants-accused were released on bail. Their bail bonds shall stand

-2-

cancelled. They be taken into custody forthwith to serve out the remaining portion of their sentence.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
SEPTEMBER 21, 2010

.....J.  
[T.S. THAKUR]