

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL Nos.1759-1760 OF 2010

CHANDRA BHUSHAN MISHRA & ORS.

... APPELLANTS

Versus

THE STATE OF UTTAR PRADESH

... RESPONDENT

O R D E R

These appeals are directed against the common judgment and order dated 01.02.2010 passed by the High Court of Judicature at Allahabad in Criminal Appeal Nos.4641 and 4642 of 2007 whereby the High Court dismissed the appeal filed by the appellants herein against their conviction and life sentence under Sections 302/506/34 IPC imposed by the Trial Court.

Learned counsel appearing for the appellants submit that PW1, the first informant, is the son of the deceased and therefore, he is a partisan witness. The Trial Court and the High Court erred in convicting the appellants solely on the basis of the testimony of PW1. However, learned counsel for the State submits that the statement of PW1 is natural and believable and his evidence cannot be discarded merely on the ground raised by the appellants.

Having heard the learned counsel for the parties at length and perusing the material placed before, we find that the presence of PW1 at the time of occurrence and his testimony regarding the

killing of his father by the appellants, is natural and believable. His testimony cannot be discarded solely on the ground that he is the son of the deceased. Therefore, we do not find any ground to interfere with the well-considered judgment passed by the High Court in exercise of our jurisdiction under Article 136 of the Constitution.

The appeals are, accordingly, dismissed.

However, it was brought to our notice that some of the appellants have suffered more than 14 years of incarceration. It is surprising that even though the appellants have undergone more than 14 years of incarceration, the State has not considered the case of the appellants for premature release. We accordingly direct the Government of Uttar Pradesh to consider the same and to pass appropriate orders in accordance with the Prison Rules or the Remission Policy of the State, keeping in view the conduct of the appellants.

.....J.  
(N.V.RAMANA)

.....J.  
(SANJIV KHANNA)

.....J.  
(KRISHNA MURARI)

NEW DELHI;  
FEBRUARY 11, 2020.

ITEM NO.107

COURT NO.2

SECTION II

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 SCriminal Appeal No(s).1759-1760/2010

CHANDRA BHUSHAN MISHRA &amp; ORS.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

Date : 11-02-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Appellant(s) Mr. M.Karpaga Vinayagam, Sr.Adv.  
Mr. P. V. Yogeswaran, AOR  
Mr. Ashish Kumar Upadhyay, Adv.  
Mr. Y.Lokesh, Adv.  
Ms. V.Susheatha, Adv.  
Mr. P. Abinesh Karthik, Adv.  
Mr. Arun Singh, Adv.  
Ms. V.Keerthana, Adv.  
Mr. Anubhav Chaturvedi, Adv.  
Mr. Bhupendar Singh, Adv.

For Respondent(s) Mr. K.B.Upadhyay, Adv.  
Mr. S.N.Tripathi, Adv.  
Mr. Sanjay Mishra, Adv.  
Mr. S. R. Setia, AOR

Mr. Garvesh Kabra, AOR

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

The appeals are dismissed in terms of the signed order.

(SATISH KUMAR YADAV)  
AR-CUM-PS(RAJ RANI NEGI)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)