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CrI.A.No. 439 OF 1999

ITEM No. 108

Court No. 6

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 S

Criminal Appeal No. 439 of 1999

State of Uttar Pradesh Appellant (s)

Versus

Balak Ram and Ors. Respondent (s)

Date : 18-08-2004 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. Amitesh Chandra Mishra, Adv.
for Mr. Jatinder Kumar Bhatia, Adv.

For Respondent (s) Mr. R.N. Keshwani, Adv.
Mr. Mata Prasad Singh, Adv.
Mr. Ram Lal Roy, Adv.

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

Heard learned counsel for the parties.

The appeal filed against Respondent Nos. 1 and 3 is dismissed. Respondent Nos. 1 and 3, who are on bail, are discharged from the liability of bail bonds. Respondent No.2 has died, as such appeal against him has abated and the same is, accordingly, disposed of.

[Alka Dudeja] [Om Prakash]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 439 OF 1999

State of Uttar Pradesh...Appellant (s)

Versus

Balak Ram and Ors....Respondent(s)

O R D E R

Heard learned counsel for the parties.

A report has been received from the Trial Court that accused-Ram Kishan Awasthi, Respondent No .2, has died, as such appeal against him has abated and the same is, accordingly, disposed of.

So far as Respondent Nos. 1 and 3, namely, Balak Ram and Onkar Nath @ Guddu, are concerned, we have perused the judgment of acquittal rendered by the High Court. In our view, the order of acquittal cannot be said to be perverse in any manner, as such it is not possible for this Court to interfere with the same.

Accordingly, the appeal filed against Respondent Nos. 1 and 3 is dismissed. Respondent Nos. 1 and 3, who are on bail, are discharged from the liability of bail bonds.

.....J.
(B.N. Agrawal)

.....J.
(H.K. Sema)

New Delhi,
August 18, 2004.