

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2179 of 2017
(Arising out of SLP(Crl.)NO.5501 of 2017)

YADUVIR SINGH

APPELLANT (s)

VERSUS

THE STATE OF UTTAR PRADESH

RESPONDENT (s)

O R D E R

Leave granted.

We have heard learned counsel for the parties and perused the record.

For the murder of one Parvendra, four persons were tried : Omendra, Sudhir, Yaduvir Singh and Vijay. The Trial Court acquitted Vijay but convicted others. Their conviction has been upheld by the High Court.

When the matter came up for hearing on 18th August, 2017, notice was issued only qua Yaduvir Singh and the special leave petition qua Omendra and Sudhir was dismissed.

We find from the evidence that possibility of the appellant-Yaduvir Singh being involved by way of over-implication is not be ruled out as there is no clear and consistent evidence of his involvement. It is Omendra and Sudhir who fired at Parvendra which resulted in his death, whose conviction and sentence have already been upheld.

In these circumstances, we are of the view that the appellant-Yaduvir Singh is entitled to benefit of doubt. Accordingly his conviction and sentence are set aside. He be released from custody unless required in any other case.

In view of above, the appeal is allowed.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
December 14, 2017.

ITEM NO.11

COURT NO.11

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5501/2017

(Arising out of impugned final judgment and order dated 13-01-2017 in CRA No. 311/1985 passed by the High Court Of Judicature At Allahabad)

YADUVIR SINGH

APPELLANT(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

Date : 14-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Sharan Thakur, Adv.
Mr. Mahesh Thakur, Adv.
Dr. Sushil Balwada, AOR

For Respondent(s) Mr. Akshat Kumar, AOR
Ms. Arpika Singhal, Adv.

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

Leave granted.

In terms of the signed order, the appeal is allowed.

Pending applications, if any, shall also stand disposed
of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)