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SLP(Crl.)No. 3312 OF 2003
ITEM No.43

Court No. 5

SECTION II
A/N MATTER

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. 3312/2003

(From the judgement and order dated 25/03/2003 in CRLA 1801/81
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAJ BAHADUR

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

(With Appln(s). for bail and permission to place addl. documents on record and exemption from
filing O.T.)

Date : 14/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)

Mr. S.V. Deshpande, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

By our order dated 8.8.2003, we had issued notice on the ground that the learned counsel for the petitioner has pointed out from the evidence of PW-1 found at page 47 of the SLP paper book that the said witness stated in specific terms that it is Paras the acquitted accused who fired fatal shot and not the petitioner herein. Today, learned counsel very fairly points out that in the examination-in-chief this witness has specifically implicated the petitioner, therefore, we think what is stated in the cross examination should be considered in the light of the statement made in examination-in-chief. Having, considered the

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same, we are of the opinion that there is no ground to interfere with the concurrent findings of the two courts below. Therefore, we recall our order dated 8.8.2003 issuing notice in this case and dismiss the special leave petition.

(Ganga Thakur)
PS to Registrar

(Prem Prakash)
Court Master