

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.1040 OF 1995@@
BB

State of U.P.

Appellant(s)

VERSUS

Ram Nagina Singh

Respondent(s)

DATE : 29-10-2002: This matter was called on for hearing today.@@
BB

CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant(s): Mr. Prashant Chaudhary, Adv.
Mr. Abhishek Chaudhary, Adv.
Mr. Pramod Swarup, Adv.

For Respondent(s): Ms. N. Annapurani, Adv.

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

.....L.....I.....T.....T.....T.....T.....T..J.
.SP2

Heard learned counsel for the parties for ten
minutes.
The appeal fails and is dismissed.
Bail bonds shall stand discharged.

.SP1

(R.K. Dhawan) (Shelley Sengupta)
Court Master Court Master

(Signed order is placed on the file) ~

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1040 OF 1995@@
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State of U.P.

Appellant(s)

versus

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

The State is in appeal against the order of acquittal. All the three accused persons charged under Section 302 IPC read with Section 34 IPC and sentenced to life imprisonment and also under Section 307/34 IPC and sentenced to four years' rigorous imprisonment. The High Court, on appeal, however, acquitted all the three accused persons on the ground of non compatibility of the oral evidence between the witnesses examined in support of the prosecution. The High Court has been rather candid enough to record that, as a matter of fact, the trial Court has misread the evidence in its true and proper perspective.

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Incidentally, the factual score depicts that of the three accused persons, two accused persons are already dead and the third one is alive and as such the appeal is maintained against the third accused person namely Ram Nagina Singh.

Apart from the factual score, their being no perversity in the order of the High Court since the view taken by the High Court cannot but be termed to be a view plausible and the interference of this Court is not called for in the contextual facts. The present state of affairs, as notice above, however, warrants this Court further to add that in any event there exist no evidence available on record against the surviving respondent namely Ram Nagina Singh. The learned Sessions Judge, however, recorded that while on the factual score no specific role has been assigned to Ram Nagina Singh, neither the 161 statements of the witnesses involve Ram Nagina Singh as an active participant and as such the learned Sessions Judge thought it prudent to convict the accused under Section 302/34 IPC for imprisonment for life. It is this scrutiny which has prompted the High Court, on the wake of the available evidence on record especially against Ram Nagina Singh to record a finding

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of acquittal. We do not find any perversity therein and as such, we are not inclined to interfere with the impugned order. The appeal accordingly fails and is dismissed.

Bail bonds shall stand discharged.

.SP1

.....J.
(U.C.BANERJEE)

.....J.
(B.N. AGRAWAL)

New Delhi,
October 29, 2002