

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 380/2006

STATE OF U.P.

Appellant(s)

VERSUS

RAMBALI SINGH & ORS.

Respondent(s)

O R D E R

We have examined the Trial Court Judgment which is of the learned Additional Sessions Judge, Banda.

In an incident which took place on 17-2-1993, the deceased was allegedly shot with a rifle and PW 1 is stated to be an eye-witness. The learned Additional Sessions Judge has ultimately found that though the complainant went to the Police Station sixteen hours after incident, the First Information Report is stated to have been filed within one hour. The learned Additional Sessions Judge has found that PW 3 who was in-charge, and brother of the deceased, was a lawyer and has seen to it that the FIR has been ante-timed. Further, as many as six contradictions have been found, all of them to be of a material nature between the Section 164 statement made by PW 1 and his cross-examination in Court. It has also been found that the rifle has been recovered one year later, but there is no ballistic report to state whether it has been fired or otherwise, in order to establish the guilt of the three accused persons who were stated to be a father, his son and a servant, who were said to be armed with a rifle, a pistol and a lathi. Ultimately, the Additional Sessions Judge concludes that PW 1 is a partisan villager, and though there were other two eye-witnesses to the incident, they were not examined by the

prosecution. This has led to the Additional Sessions Judge acquitting the three accused persons of the charge of murder.

The High Court of Allahabad, on examining these circumstances, has not granted leave to appeal.

Having heard the learned counsel appearing for the parties, we do not find any infirmity in the impugned Judgment of the High Court.

The appeal is, accordingly, dismissed.

.....J
(ROHINTON FALI NARIMAN)

.....J
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
FEBRUARY 28, 2017.

ITEM NO.104

COURT NO.13

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

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(With office report)

Date: 28/02/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr. Yoginder Handoo, AOR
Mr. Nishant Kumar, Adv.
Mr. Rajesh Maurya, Adv.

For Respondent(s)

Mr. D.K. Singh, Adv.
Ms. Komal Mundhra, Adv.
Mr. Saurabh Agrawal, Adv.
Mr. Abhijit Sengupta, AOR

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

The appeal is dismissed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)