

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 27 of 2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(Arising out of S.L.P. (CrI.) 3148 of 2000)

State of U.P. ..Appellant

Vs.

Balram & Anr. ..Respondents

O R D E R@@  
EEEEEEEEEE

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

.SP2

Leave granted.

When the State preferred an appeal against an order of acquittal the High Court refused to grant leave to appeal. We issued a notice to show cause why the impugned order shall not be set aside.

We have gone through the judgment of the trial court. Two eye-witnesses have been examined by the prosecution whose evidence will have to be re-evaluated in the appeal. Ante-mortem injuries described in the post-mortem certificate have to be weighed in the light of the testimony of eye-witnesses. We feel it necessary that the High Court should have granted leave to appeal, so that, a decision could have been arrived at afresh on the merits of the case.

In the result we set-aside the impugned order. Leave applied for before the High Court will stand granted. As the appeal has now been regularised the same will be disposed of on merits.

This appeal is disposed of accordingly.

.SP1

.....J.@@

BB

(K.T. THOMAS)@@

BB

.....J.@@

BB

(R.P. SETHI)@@

BB

NEW DELHI@@

BBBBBBBBBBBBBBBBBBBB

JANUARY 8, 2001 @@

BBBBBBBBBBBBBBBBBBBB

.PL60

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 27 of 2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(Arising out of S.L.P. (CrI.) 3148 of 2000)

State of U.P. ..Appellant

Vs.

Balram & Anr. ..Respondents

O R D E R@@  
EEEEEEEEEE

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

Leave granted.

When the State preferred an appeal against an order of acquittal the High Court refused to grant leave to appeal. We issued a notice to show cause why the impugned order shall not be set aside.

We have gone through the judgment of the trial court. Two eye-witnesses have been examined by the prosecution whose evidence will have to be re-evaluated in the appeal. Ante-mortem injuries described in the post-mortem certificate have to be weighed in the light of the testimony of eye-witnesses. We feel it necessary that the High Court should have granted leave to appeal, so that, a decision could have been arrived at afresh on the merits of the case.

In the result we set-aside the impugned order. Leave applied for before the High Court will stand granted. As the appeal has now been regularised the same will be disposed of on merits.

This appeal is disposed of accordingly.

.SP1

.....J.@@  
BB  
(K.T. THOMAS)@@  
BB

.....J.@@  
BB  
(R.P. SETHI)@@  
NEW DELHI@@  
BBBBBBBBBBBBBBBBBBBB  
JANUARY 8, 2001 @@  
BBBBBBBBBBBBBBBBBBBB

ITEM No.39

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  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3148/2000  
(From the judgement and order dated 27/09/1999 in GA 741/95  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

BALRAM & ANR.

Respondent (s)

Date : 08/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. T.N. Singh,Adv.  
Mr. Pramod Swarup,Adv.

For Respondent (s) Mr. S.K. Chaturvedi,Adv.  
Mr. GS Kanwal,Adv.  
for Mr. R.D. Upadhyay,Adv.

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

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

.SP2

Leave granted.  
Appeal is disposed of in terms of the signed order.

.SP1

(N.K. GOEL) (H.K. BHATIA) @@  
BB  
COURT MASTER COURT MASTER@@  
BB  
(Signed order is placed on the file)

.PA  
.PL60  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 27 of 2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(Arising out of S.L.P. (Crl.) 3148 of 2000)

State of U.P. ..Appellant

Vs.

Balram & Anr. ..Respondents

O R D E R@@  
EEEEEEEEEE

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

Leave granted.  
When the State preferred an appeal against an order of acquittal the High Court refused to grant leave to appeal. We issued a notice to show cause why the impugned order shall not be set aside.  
We have gone through the judgment of the trial court. Two eye-witnesses have been examined by the prosecution whose evidence will have to be re-evaluated in the appeal. Ante-mortem injuries described in the post-mortem certificate have to be weighed in the light of the testimony of eye-witnesses. We feel it necessary that the High Court

should have granted leave to appeal, so that, a decision could have been arrived at afresh on the merits of the case.

In the result we set-aside the impugned order. Leave applied for before the High Court will stand granted. As the appeal has now been regularised the same will be disposed of on merits.

This appeal is disposed of accordingly.

.SP1

.....J.@@  
BB  
(K.T. THOMAS)@@  
BB

.....J.@@  
BB  
(R.P. SETHI)@@  
BB

NEW DELHI@@  
BBBBBBBBBBBBBBBBBBBB  
JANUARY 8, 2001 @@  
BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB  
.PA