

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

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 30 of 2001@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE
(Arising out of S.L.P. (CrI.) 3383 of 2000)

State of U.P. ..Appellant
Vs.
Shanker Kewat & Anr. ..Respondents

O R D E R@@
EEEEEEEEEE

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

Leave granted.
Respondents were tried for the offence under Section 307 of the Indian Penal Code. As the trial court acquitted the respondents the State filed an appeal. But leave to appeal was not granted by the High Court and hence the appeal was rejected.

This is a case where the allegations show that PW-4 was attacked with bomb by the accused and gun firing also had taken place. Eye-witnesses like PW-1 and PW-2 were examined. Injuries on PW-4 have been narrated. All these items of evidence required to be re-evaluated in the appeal. Hence leave ought to have been granted by the High Court and findings on facts should have been arrived at afresh.

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)@@

.....J.@@

BB
(R.P. SETHI)@@

NEW DELHI@@

JANUARY 8, 2001 @@

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

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 30 of 2001@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE
(Arising out of S.L.P. (CrI.) 3383 of 2000)

State of U.P. ..Appellant
Vs.
Shanker Kewat & Anr. ..Respondents

O R D E R@@
EEEEEEEEEE

For Petitioner (s) Mr. Divesh Singh,Adv.
for Mr. Irshad Ahmad,Adv.

For Respondent (s)

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

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

.SP2
Service complete.
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