

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 61 OF 2009

CHANDRA PAL & ANR.

APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH

RESPONDENT(S)

O R D E R

The appeal challenges the concurrent orders of conviction and sentence convicting the appellants for the offence punishable under Sections 148 and 302/149 of the Indian Penal Code and sentenced to life imprisonment.

Mr. S.R. Singh, learned senior counsel appearing for the appellants submitted that it is only PW-4-Anoop Singh who can be considered to be an independent witness. He submits that he was the person in whose Tonga, the deceased, PW-2-Netrapal and Hakim Singh were said to be traveling. However, on perusal of his evidence, it can be seen that only Hakim Singh and the deceased Mohan Lal were travelling in his Tonga. It is therefore submitted that presence of PW-2 Netrapal itself is doubtful.

He further submits that PW-3-Raghnath Prasad is a chance witness and there was no reason for him to accompany the deceased and PW-2-Netrapal on the day of the incident.

He therefore submits that PW-3-Raghunath Prasad himself has admitted that he had no work which compelled him to visit the village of the deceased and PW-2 Netra Pal.

Mr. Ravindra Kumar Raizada, learned Additional Advocate General appearing for the State submits that both the trial Court as well as the High Court on correct appreciation of the evidence held the appellants to be guilty of the crime in question. He submits that no interference is warranted in the present appeal. Mr. Bhanwar Pal Singh Jadon, learned counsel appearing for the first informant also supports the prosecution.

We have perused the evidence on record. PW-2 Netrapal, the father of the deceased has clearly implicated the present appellants. The First Information Report ('FIR') was lodged within one hour 15 minutes of the incident having taken place. In the FIR itself, it is stated by PW-2 Netrapal that when they were travelling in a Tonga, PW-3-Raghunath Prasad was following them on a bicycle at a short distance.

As such, we do not find substance in the submission of the appellants that PW-3-Raghunath Prasad is a chance witness. His presence has been very much established in the FIR which is proximate to the time of commission of crime. Apart from that, in the cross-examination of PW-3-Raghunath Prasad the defence itself has elicited the entire details with regard to the incident. Both PW-2

Netrapal as well as PW-3 Raghunath Prasad have withstood the grueling cross-examination and have stuck to their case.

We, therefore, do not find a case to interfere with the concurrent findings.

The Criminal Appeal is, accordingly, dismissed. However, six weeks' time is granted to the appellants to surrender.

Pending application(s), if any, shall stand disposed of.

..... J.  
(B.R. GAVAI)

..... J.  
(PAMIDIGHANTAM SRI NARASIMHA)

NEW DELHI  
AUGUST 04, 2022

ITEM NO.105

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

Criminal Appeal No(s). 61/2009

CHANDRA PAL &amp; ANR.

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

Date : 04-08-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. S.R. Singh, Sr. Adv.  
Mr. Ajay Yadav, Adv.  
Mr. Sushant Kumar Yadav, Adv.  
Mr. Prateek Yadav, Adv.  
Mr. Saurabh Sharma, Adv.  
Mr. Ankur Yadav, Adv.  
Mr. Mangal Prasad, Adv.  
Mr. Abhishth Kumar, AOR

For Respondent(s) Mr. Ravindra Kumar Raizada AAG  
Mr. Shashank Shekhar Singh, AOR  
  
Mr. Bhanwar Pal Singh Jadon, Adv.  
Mr. Chetan Jadon, Adv.  
Hemlata Singh, Adv.  
Mr. VPS Jadon, Adv.  
Mr. Rovin Singh Solanki, Adv.

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

The Criminal Appeal is dismissed in terms of  
the signed order. Pending application(s), if any, shall  
stand disposed of.

(Geeta Ahuja)  
Assistant Registrar-cum-PS

(Anju Kapoor)  
Court Master

(Signed Order is placed on the file)