

! SLP(Crl.)No. 313 OF 2001

ITEM No.40

Court No. 4

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. 313/2001

(From the judgement and order dated 04/08/2000 in CRLA 486/80
of The HIGH COURT OF JUDICATURE AT ALLAHABAD BENCH AT LUCKNOW)

JAGRAM & ORS.

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

(With Appln(s). for bail)

Date : 12/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAİK
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. U.R. Lalit, Sr. Adv.
Mr. Sushil Kumar Jain, Adv.

For Respondent (s) Mr. A.S. Pundir, Adv.
Mr. Prakash Kumar Singh, Adv.

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

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

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

.SP1

(J.S. Rawat)
Court Master

(Suneet Bala Sharma)
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. of 2001@@
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(Arising out of SLP(Crl) No. 313 of 2001)

Jagram & Ors.

...Appellant (s)

Versus

State of U.P.

...Respondent(s)

O R D E R~@@
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Leave granted.

The conviction and sentence under Sections 302/34 IPC having been upheld in appeal by the High Court, the accused persons are before us. This Court ordinarily does not reappreciate the evidence when two courts of fact have appreciated the same and come to a proper conclusion. But in the case in hand the three eye-witnesses are PWs. 1, 2 and 3 and the High Court, without any discussion of their evidence, merely accepts the same by indicating in one sentence that there is nothing on record on the basis of which it can be said that the three eye-witnesses are not telling the correct facts. This can hardly be held to be an appreciation of evidence by an appellate Court. In that view of the matter, we think it appropriate to set aside the impugned judgment and remit the matter to the High Court for redisposal of the criminal appeal in accordance with law. The matter being an

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old one, the High Court would do well in disposing it of at an early date.

The appeal stands disposed of accordingly.

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.....J@@
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(G.B. PATTANAIK)@@
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New Delhi,
April 12, 2001.

.....J@@
BBBBBBBBBBBBBBBBBBBBBB
(DORAISWAMY RAJU)@@
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