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Cr1.A.No. 201 OF 2000

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ITEM NO.102 COURT NO. 3 SECTION II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRL. APPEAL NO(s) 201/2000

RADHA MOHAN SINGH & ORS.

Appellant (s)

Versus

STATE OF U.P.

Respondent (s)

(with appln. for bail and permission to place addl. documents on record)

Date:.14.3.2002 This/These Appeal(s) was/were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For the Appellant (s)

Mr.U.R. Lalit,Sr.Adv.,
Mr.Sunil Kumar Verma,Adv.,
Mr.Nabin Kr. Singh,Adv.,
Mr.Shivaji M. Jadhav,Adv.

For the Respondent (s)

Mr.Pravin Swarup,Adv.for
Mr.Pramod Swarup,Adv.

Upon hearing counsel the Court made the following

O R D E R

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.SP2

The impugned judgment and order passed by the High Court is set aside and the matter is remitted back to the High Court for deciding the same on merits in accordance with law after giving an opportunity of hearing to the appellants. Learned counsel for the appellants states that his counter-part would not ask for any adjournment at the time of the hearing of the matter and see that Advocate files appearance on behalf of the appellants. The appeal stands disposed of accordingly.

.SP1

(Vijay Kumar Sharma)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 201 OF 2000

Radha Mohan Singh & Ors.

& Appellant

Vs.

State of U.P.

& Respondent

O R D E R

This appeal is filed against the impugned judgment and order dated 11th May, 1999 passed by the High Court of Allahabad in Criminal Appeal No. 1334 of 1980 confirming the sentence and conviction passed against the appellants by the Sessions Judge, Ballia, in Sessions Trial No. 50 of 1980.

At the time of issuance of notice this Court confined it to show cause why the impugned judgment shall not be set aside and dispose of the matter in accordance with law. The reason was that as the appeal was heard in the absence of the learned advocate for the accused-appellants, evidence was required to be re-appreciated. It is true that High Court has, to some extent, considered the evidence and also the judgment rendered by the Sessions Court, still however, considering the facts and circumstances of this case, particularly the fact that appellants are convicted for the offence punishable under Section 302 read with Section 149 of Indian Penal Code, entire evidence of witnesses is required to be considered after considering the submissions which may be made by the counsel for the accused-appellants.

In this view of the matter, impugned judgment and order passed by the High Court is set aside and the matter is remitted back to the High Court for deciding the same on merits in accordance with law after giving an opportunity of hearing to the appellants. Learned counsel for the appellants states that his counter-part would not ask for any adjournment at the time of the hearing of the matter and see that Advocate files appearance on behalf of the appellants. The appeal stands disposed of accordingly.

& & & & & & & & & & ..J
(M. B. SHAH)

& & & & & & & & & & ..J
(D. M. DHARMADHIKARI)

New Delhi
March 14, 2002.