

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.1724/2014

STATE OF NCT OF DELHI

Appellant(s)

VERSUS

SHAILESH KUMAR@GUDDU & ORS.

Respondent(s)

O R D E R

We have heard Mr. R. Balasubramanian, learned Senior counsel appearing for the appellant – State of N.C.T. of Delhi, and the learned counsel appearing for the accused – respondents, at length today.

This appeal is filed by the appellant – State of N.C.T. of Delhi against the acquittal of the accused – respondents herein, from offences under Sections 120-B, 302 read with Section 120-B and 201 of the Indian Penal Code.

The Trial Court convicted the accused – respondents and sentenced them for life imprisonment, but later on appeal filed by the accused – respondents, the High Court has reversed the findings of the Trial court and acquitted the accused – respondents.

Learned Senior counsel appearing for the appellant – State has tried to impress upon us, by reading the evidence of the witnesses, that the High Court ought not to have interfered with the findings of the Trial Court.

After carefully perusing the material available on record and having gone through the Judgments of the Trial Court and the High Court, we came to the conclusion that the High Court has rightly pointed out that the motive in this matter has not been

established. Further, there is no direct eye-witness who has witnessed the incident of crime. We see that only the chance witnesses, i.e., P.W. Nos. 3 and 4, cursorily mentioned that they had last seen the deceased with accused - respondents, which according to us, cannot be the sole basis for convicting the accused - respondents. It is not out of place to mention here that the said evidence of P.W. Nos. 3 and 4 was disbelieved by the High Court.

Under the circumstances, the view taken by the High Court, after analyzing and appreciating the evidence, according to us, is the right one, and the same does not call for any interference.

In view of the above, we find no merit in the appeal filed by the State and the same is, therefore, dismissed.

It may be mentioned thatailable warrants were issued against the accused - respondents in compliance with the Order dated 13-9-2013 passed by this Court.

In view of dismissal of the appeal, the bail bonds executed by the accused - respondents stand discharged.

.....J
(N.V. RAMANA)

.....J
(MOHAN M. SHANTANAGOUDAR)

.....J
(AJAY RASTOGI)

NEW DELHI;
11th JULY, 2019.

ITEM NO.110

COURT NO.3

SECTION II-C

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.1724/2014

STATE OF NCT OF DELHI

Appellant(s)

VERSUS

SHAILESH KUMAR@GUDDU & ORS.

Respondent(s)

Date : 11-07-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Mr. R. Balasubramanian, Sr. Adv.
Mr. R.K. Verma, Adv.
Mr. Anshul Gupta, Adv.
Mr. B. Krishna Prasad, AOR

For Respondent(s)

Mr. Abhay Singh, Adv.
Veena Singh, Adv.
Smita Jain, Adv.
Vindhya Singh, Adv.
Mr. Varinder Kumar Sharma, AOR

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

The appeal is dismissed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)