

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 284 OF 2004

SHIVE GOPE

Appellant (s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 29/03/2005 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. Ravi Shankar Kumar, Adv.

for Ms. Kamakshi S. Mehlwal, Adv.

For Respondent(s)

Mr. Saket Singh, Adv.

for Mr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is dismissed.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 284 OF 2004

Shive Gope

...Appellant (s)

Versus

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O R D E R

The appellant herein alongwith accused-Akhilesh Kumar Sinha and Bhola

Kumar was convicted by the Trial Court under Section 302 read with Section 34 of the

Indian Penal Code and each one of them was sentenced to undergo imprisonment for life.

They were further convicted under Section 27(1) of the Arms Act and sentenced to

undergo rigorous imprisonment for a period of three years. Both the sentences were,

however, ordered to run concurrently. All the three convicted accused preferred separate

appeals. So far as the appeal filed by Akhilesh Kumar Sinha is concerned, the same

abated as he died during the pendency of the appeal before the High Court. The appeals

of the appellant as well as Bhola Kumar have been dismissed and their convictions and

sentences have been upheld by the High Court. Accused Bhola Kumar, it appears, did not

move this Court, as such his conviction attained finality. Hence, this appeal by special

leave on behalf of the appellant.

Having heard learned counsel for the parties and perused the evidence, we are of the view that the High Court has not committed any error in upholding conviction of the appellant by placing reliance upon the evidence of Raj Kumar, P.W.2, who was

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solitary eye-witness, whose evidence is corroborated by Narendra Prasad, P.W.1 and

Ramanand Prasad, P.W.3, before whom immediately after the occurrence P.W.2 disclosed

the names of the accused persons, including the appellant. That apart, the prosecution

case of causing injuries by fire arms is supported by medical evidence as would appear

from the post-mortem report conducted by Dr. Ashok Kumar Yadav, P.W.4. In our view,

no ground is made out for interference with the impugned orders.

The appeal, accordingly, fails and the same is dismissed.

.....J.

(B.N. Agrawal)

.....J.

(H.K. Sema)

New Delhi,

March 29, 2005.