

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 544 OF 2008

STATE OF U.P. Appellant (s)  
VERSUS  
HARBAN SINGH Respondent(s)

O R D E R

State is in appeal against the judgment and order of acquittal of the Respondent recorded in Criminal Appeal No.1319 of 1982 decided on 8.3.2006.

The only allegation levelled against the respondent was that he exhorted i.e. strongly encouraged the other co-accused Maharaj Singh, who had inflicted blows with axe on the deceased Sunder Lal. The story of exhortion has not been believed by the High Court. The other co-accused Maharaj Singh was convicted by the Trial Court and affirmed by the impugned judgment.

After having gone through the impugned order passed by Division Bench of the High Court and the evidence on record, we are of the considered opinion that prosecution has miserably failed to prove the theory of exhortion against the respondent. We find no illegality or perversity in it and the appeal is accordingly dismissed.

.....J.  
(DEEPAK VERMA)

.....J.  
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI,  
MAY 17, 2012.  
ITEM NO.117

COURT NO.2

SECTION II

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

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(With office report )

Date: 17/05/2012 This Appeal was called on for hearing today.

CORAM :

