

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.189 OF 2001@@
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Santanu Mishra Appellant(s)

VERSUS

State of Bihar Respondent(s)

(With office report)
WITH

Crl.A.No.190/2001 (With office report)
Crl.A.No.192/2001, Crl.A.No.193/2001
(With appl. for bail and with office report)

DATE: 14-3-2002: These matters were called on for hearing today.

CORAM:
HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant(s): Mr. Amiesh Kumar, Adv. for
In Crl.A.189/01 Mr. L.R. Singh, Adv.

In Crl.A.190/01 & Mr. Pramod Swarup, Adv.
Crl.A.192/01 Ms. Pareena Swarup, Adv.
Mr. Praveen Swarup, Adv.

In Crl.A.193/01 Mr. Manoj Sharma, Adv. for
Mr. Rakesh K. Sharma, Adv.

For Respondent(s): Mr. Saket Singh, Adv. for
Nr. B.B. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Heard learned counsel for the parties for about one
hour.
The appeals are disposed of in terms of the signed
order.

.SP1

(R.K. Dhawan) (Shelly Sengupta)
Court Master Court Master
(Signed order is placed on the file) ~

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Santanu Mishra

Appellant(s)

versus

State of Bihar

Respondent(s)

WITH

CrI.A.No.190/2001,CrI.A.No.192/2001 @@
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and CrI.A.No.193/2001@@
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O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

It is now a well settled principle that the apex court would not intervene or interfere with the concurrent finding. Presently, in the matters under consideration, the High Court has recorded:

.....L.....T.....T.....T.....T.....T.....J
.SP1

"From their evidences it is proved beyond doubt that appellants had formed an unlawful assembly with the common object to commit the above offence and with that object they went to the field of the informant and while cutting paddy crops they were protested by the prosecution party, on which the appellants assaulted them resulting into the death of Paltu Yadav and caused injuries to informant and his another brother Banshi Yadav. As stated above informant had received as many as ten injuries and some of them were grievous in nature. This shows that he was brutally assaulted at the hands of the appellants as stated by the eye witnesses, Banshi Yadav PW-3 had also a grievous injury on his head.

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:2:

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

The observations of the High Court as above finds support from the judgment of the sessions court and the records as well. We do not see any infraction thereunder, neither there is any failure of justice nor miscarriage of justice warranting intervention of this Court. As such these appeals fail.

Incidentally, these four appeals are taken up together since they arise out of the same judgment and thus disposed of by this common order. Be it noted that, yesterday we had already dismissed the appeal of Parshuram Mishra by reason of the factum of failure of surrender even after the expiry period of parole.

.SP1

.....J.
(U.C.BANERJEE)

.....J.
(B.N. AGRAWAL)

New Delhi,
August 14, 2002