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Cr1.A.No. 475 OF 1996

Item No.101 Part-heard

Court No. 7

Section II

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. 475 of 1996@@

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State of U.P.

Appellant (s)

Versus

Nuran & Ors.

Respondent (s)

Dated: 29/01/2003: This matter was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)

Mr.TN Singh,Adv.  
Mr. Pramod Swarup, Adv.

For Respondent (s)  
Nos.2&3

M/s Syed Ali Ahmad,Syed T.Ahmad,  
Syed Mohd.Hasan,Mohan Pandey,Advs.

For R.No.1

Ms. Sushma Manchanda, Adv.

UPON hearing counsel the Court made the following

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.SP2

Mr.TN Singh, learned counsel for the appellant-State resumed his arguments in the morning and concluded within fifteen minutes.

The appeal is dismissed in terms of the signed order.

.SP1

(Naresh Kumar)  
Court Master

(V.P. Tyagi)  
Court Master

[Signed order is placed on the file.]

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CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.475 OF 1996@@  
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State of U.P. ... Appellant

vs.

Nuran & Ors. ... Respondents

O R D E R@@  
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.SP2

Five persons were charged for offences under Sections 302 and 149, IPC for having committed with murder of Rohan Singh, father of PW1 - Amar Singh. All were convicted by the trial court. Two of them, Lal Singh & Ramesh, died during pendency of the appeal before the High Court. The High Court by the impugned judgment reversing the judgment and order of trial court acquitted the three accused who are now the respondents in this appeal filed by the State against the judgment of acquittal passed by the High Court.

The respondents were convicted by the trial court on the basis of testimony of PW1 and his servant PW2- Rama Shanker. The trial court as also the High Court have not believed the independent witness PW3. No effort has been made, and in our opinion rightly, by learned counsel for the appellant to place reliance on the testimony of PW3. In respect of PWs 1 & 2, the High Court on reappraisal of evidence has come to the conclusion that the injuries said to have been inflicted on the witnesses and duration of those

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injuries do not correspond with the prosecution case. It has also been noticed that the other independent persons named in the FIR were not examined by the prosecution. No plausible explanation was given by the prosecution. We have perused the testimony of PWs 1 & 2 as also the testimony of Dr. Bahal - PW5. Having regard to the facts and circumstances of the case, it is not possible to conclude that the view expressed by the High Court in the impugned judgment is not a plausible and reasonable view. In this state of affair, we find no substance in the said appeal which is accordingly dismissed.

.SP1

.....J.  
[ Y.K. SABHARWAL ]

New Delhi,  
January 29, 2003.@@  
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.....J.  
[ H.K. SEMA ]