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Crl.A.No. 193-196 OF 1998
ITEM No.110

Court No.10

SECTION II

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

Crl.A.Nos.193-196/1998

State of U.P.

Appellant (s)

VERSUS

Chaudhari & Ors.

Respondent (s)

(With Appl.for exemption from filing O.T.)

Date : 21/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)
Mr.Sandeep Singh,Adv.
Mr.Garvesh Kabra,Adv.
Mr.Ravi Prakash Mehrotra,Adv.(N.P)

For Respondent (s)
Mrs.V.D. Khanna, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(Sheetal Dhingra)(Kanwal Singh)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL Nos.193-196 OF 1998

State of U.P.

....Appellant (s)

Versus

Chaudhari & Ors.

....Respondent (s)

O R D E R

Heard learned counsel appearing on behalf of the appellant.

The respondents along with two other accused persons were tried and while accused Shiv Prasad and Badri were acquitted by trial court, the respondents were convicted under Section 302/149 and 307/149 and each one of them was sentenced to undergo imprisonment for life and rigorous imprisonment for a period of seven years respectively. Respondent Nos.1, 3, 5 & 6 were further convicted under Section 148 of the Indian Penal Code (for short the 'IPC') and each one of them was sentenced to undergo rigorous imprisonment for a period of one year whereas other respondents under Section 147 of the IPC and each one of them was sentenced to undergo rigorous imprisonment for a period of six months. The sentence, however, were ordered to run concurrently.

No appeal was preferred by the State against order of acquittal of the other two accused persons. So far the convictions of respondents are concerned, on appeal being preferred against their conviction the same were set aside and all of them were acquitted of all the charges and hence this appeal by special leave.

Learned counsel appearing on behalf of the State of Uttar Pradesh very fairly placed before us the impugned judgment of acquittal rendered by the High Court and other materials on the record and vehemently submitted that order of acquittal passed by the High Court suffers from perversity.

In our opinion the view taken by the High Court is not only a possible view but the same is reasonable one and no interference with the order of acquittal is called for.

The appeal is accordingly dismissed.

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

.....J.
(DR. AR. LAKSHMANAN)

New Delhi
January 21, 2004.