

Cr1.A.No. 1471 OF 2003
ITEM No.109

Court No.8

SECTION IIA

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

Cr1.A.No.1471/2003

RAM KISHORE & ANR.

Appellant (s)

VERSUS

STATE OF M.P.
(With Appl.(s) for bail and and suspension of sentence)

Respondent (s)

Date : 19/02/2004 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)
Ms.Pragati Neekhara,Adv.
Mr.B.K.Satija,Adv.

For Respondent (s)
Mr.D.P. Singh,Adv.
Ms.Bharti Tyagi,Adv.
Ms.Vibha Datta Makhija,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
[The signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1471 OF 2003

Ram Kishore & Anr. ...Appellant (s)

Versus

State of M.P. ...Respondent(s)

O R D E R

Heard the parties.

The appellants were charged and tried for offence under Section 302 of the Indian Penal Code (for short the 'IPC') and by order passed by the trial court both of them were acquitted. On appeal being preferred by the State, the High Court of Madhya Pradesh set aside the order of acquittal and convicted appellant No.1 under Section 302 of the IPC and sentenced to undergo imprisonment for life. Appellant No.2 was convicted under Section 304 read with Section 34 of the IPC and sentenced to undergo imprisonment for life. Hence this appeal.

Learned counsel appearing on behalf of the appellants has very fairly placed the judgments of the two courts as well as the evidence adduced on behalf of the parties. On a bare perusal of the judgment of the trial court, it would appear that the same was perverse one. The High Court has discussed the evidence thread-bare and passed the order of conviction on the basis of three dying declarations - one oral one made before PW5 and other two were in writing one made before the police and the other before a magistrate. In the dying declaration made before the magistrate the doctor has given a certificate regarding mental condition of the victim. In our view, the High Court has not committed any error in reversing the order of acquittal which was perverse one. Therefore, no ground for interference is made out. The appeal is accordingly dismissed.

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

.....J.
(Dr.AR. LAKSHMANAN)
New Delhi
February 19, 2004.