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Cr1.A.No. 407 OF 1998  
ITEM No.101

Court No.11

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.407 of 1998.

STATE OF UTTAR PRADESH Appellant (s)

VERSUS

RANDHIR ALIAS GUDDU Respondent (s)

Date : 26/02/2004 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) M/s Pramod Swarup,  
Jatinder K.Bhatia, Advs.

For Respondent (s) M/s VK Shukla, KK Mohan, Advs.

UPON hearing counsel the Court made the following  
O R D E R

Heard the learned counsel for the parties for some time.  
The appeal is dismissed in terms of the signed order.

[Naresh Kumar]  
AR-cum-PS

[Kanwal Singh]  
Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 407 OF 1998

STATE OF UTTAR PRADESH

...  
APPELLANT (S)

VERSUS

RANDHIR ALIAS GUDDU  
...  
RESPONDENT (S)

O R D E R

Heard the parties.

The sole respondent was convicted by the trial court under Section 302 of the Penal Code and sentenced to death. The respondent preferred an appeal to the High Court of Allahabad whereas the reference was made for confirmation of sentence of death. The High Court after taking into consideration evidence adduced on behalf of prosecution has come to the conclusion that the prosecution has failed to prove his case beyond reasonable doubt and accordingly recorded the order of acquittal. Undisputedly the present case was not a case of direct evidence but a case of circumstantial evidence. According to the High Court apart from the fact that there was no chain of circumstances the same have not been proved by the prosecution by credible evidence. In our view, the judgment of acquittal cannot be said to be perverse, as such it is not possible to interfere with the same. The appeal is accordingly dismissed.

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

.....J.  
( Dr.AR. LAKSHMANAN )  
New Delhi,  
February 26, 2004.