

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(s). 450 OF 2005

MOHAN CHANDRA PUJARI @ MANOJ KUMAR PANDE Appellant (s)

VERSUS

STATE OF UTTARANCHAL Respondent(s)

(With office report)

Date: 26/10/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s)

Mr. Nagendra Rai, Sr. Adv.
Mr. Ashok Bhan, Adv.
Mr. Prakash Kandpal, Adv.
Dr. I.B Gaur, Adv.
Mr. S. S. Nehra, Adv.

For Respondent(s)

S. S. Shamsbery, Adv. for
Ms. Rachana Srivastava, Adv.

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

The Appeal is allowed in terms of signed order.

By order dated 28.03.2005, the accused appellant was
released on bail. His bail bonds shall stand discharged.

(Deepak Joshi) (Parveen Kr. Chawla)
Sr. P.A. Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 450 OF 2005

MOHAN CHANDRA PUJARI @
MANOJ KUMAR PANDEY

.....Appellant (S)

VERSUS

O R D E R

This Appeal has been filed against the judgment and order dated 30.8.2003 passed by the High Court of Uttaranchal at Nainital in Criminal Appeal No. 899/2001.

The facts of the case have already been set out in impugned judgment of the High Court and hence we are not repeating the same here, except where necessary.

The appellant was charged for having committed murder of one Rekha by dousing inflammable substance on her body and setting it on fire in her father's house. We have carefully perused the evidence on record and find several material inconsistencies therein. For instance, while P.W. 2 Hari Ram stated that his daughter Rekha (deceased) told him that the appellant poured oil or petrol on her and set her on fire, Rekha in her dying declaration is said to have stated that four persons burnt her. PW 4 Krishna Nand stated that Rekha told him that a small lamp of kerosene accidentally fell on her, due to which she was burnt.

On the facts of the case we are of the opinion that there is some doubt as to whether the appellant is guilty or not. In criminal cases, the prosecution must prove its

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case beyond reasonable doubt. In this case some doubt has, in our opinion, been created.

Hence, we give benefit of doubt to the appellant for the offences for which he has been charged.

Accordingly, the Appeal is allowed, impugned judgment of the High Court and Trial Court are set aside.

By order dated 28.03.2005, the accused appellant was released on bail. His bail bonds shall stand discharged.

.....J.
[MARKANDEY KATJU]

.....J.
[GYAN SUDHA MISRA]

NEW DELHI ;
OCTOBER 26, 2010