

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). 734 OF 2008

RAMESH KUMAR

Appellant (s)

VERSUS

STATE (GOVT. OF NCT, DELHI) & ORS.  
(With office report )

Respondent(s)

Date: 09/01/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. G.S. Sharma, Adv.  
Mr. S.K. Sabharwal, Adv.

For Respondent(s) Mr. Waseem A. Qadri, Adv.  
Ms. Rashmi Malhotra, Adv.  
Mr. Tamim Qadri, Adv.  
Mr. Aditya Sharma, Adv.  
Mr. D.S. Mahra, Adv.

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

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

(S.K. Rakheja)	(Indu Satija)	
Court Master	Court Master	

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 734 OF 2008

RAMESH KUMAR

... APPELLANT(S)

VS.

STATE (GOVT. OF NCT, DELHI) &amp; ORS.

... RESPONDENT(S)

O R D E R

The prosecution commenced on the basis of a Police Report given by the informant. It led to registration of a case under Section 147, 148, 149, 452, 341, 323, 506, 436, 511 and 325 of the Indian Penal Code ('IPC'). Respondents 2 to 9 were ultimately put on trial. The trial court on appreciation of evidence came to the conclusion that the prosecution has not been able to prove the charges beyond all reasonable doubt and, accordingly, acquitted the respondents. While passing the order of acquittal, the trial court found that there are material improvement in the evidence of witnesses. It also found various contradictions in the testimonies of the witnesses with regard to the role attributed to the accused persons and the nature of weapon(s). The trial court further found that no independent witness has been examined in the case. The cumulative effect of the aforesaid infirmities led the trial court to record a finding of acquittal.

The informant, aggrieved by the same, preferred revision, which has been dismissed by the High Court by the impugned order.

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We have heard Mr. G.S. Sharma, learned counsel for the appellant. Respondent No. 1 - State is represented through its counsel.

Nothing was pointed out either before the High Court or before us to demonstrate that the trial has been vitiated on one or the other ground. In the background of the aforesaid, we are of the opinion that the High Court in exercise of its revisional power rightly declined to interfere against the order of acquittal.

We do not find any merit in this appeal and the same is dismissed accordingly.

.....J.  
(CHANDRAMAULI KR. PRASAD)

.....J.  
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

New Delhi; the  
January 9, 2013