

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). 283 OF 2009

SANTOSH KUMAR RAIDAS Appellant (s)

VERSUS

STATE OF U.P. Respondent(s)

Date: 09/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. Arunabh Chowdhury, Adv.
Mr. Anupam Lal Das, Adv.
Mr. Raktim Gogoi, Adv.
Mr.G.Panmie, Adv.

For Respondent(s) Mr. S.R.Singh, Sr. Adv.
Mr. Manoj Kumar Dwivedi, Adv.for
Mr. Gunnam Venkateswara Rao, Adv.

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

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla) (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. 283 OF 2009

Santosh Kumar Raidas ..Appellant

versus

State of U.P. ..Respondent

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
judgment and order dated 14th August, 2008 passed by the
High Court of Judicature at Allahabad, Lucknow Bench,

Lucknow in Criminal Appeal No. 1473 of 2006.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

The evidence against the accused is last seen and recovery evidence. Insofar as the last seen evidence is concerned, the last seen question was not put to the accused in his statement under Section 313, Cr.P.C. As regards the human blood which was found on the iron rod recovered from the appellant-accused, no DNA test was taken to compare it with the blood of the deceased. Hence, we are of the opinion that benefit of doubt should be given to the accused. We order accordingly.

The Appeal is allowed accordingly.

By order dated 09th February, 2009, the bail application of the appellant-accused was rejected. Hence,

CRIMINAL APPEAL NO(s). 283 OF 2009

-2-

the appellant be released forthwith, if not required any other case.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
AUGUST 09, 2010

.....J.
[T.S. THAKUR]