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State of U.P. Vs. Sunder Singh and ors.

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Court : Supreme Court of India

Decided On : Apr-12-2005

Reported in : AIR2005SC2238; 2005CriLJ2186; [2005(2)JCR248a(SC)]; JT2005(11)SC175; (2005)3SCC735

Judge : B.P. Singh and; S.B. Sinha, JJ.

Acts : Indian Penal Code (IPC), 1908 - Sections 148, 149, 302 and 324

Appeal No. : Criminal Appeal Nos. 1249-1251 of 1991

Appellant : State of U.P.

Respondent : Sunder Singh and ors.

Advocate for Def. : D.B. Vohra, ; Jetendra Singh and ; S.K. Sabharwal, Advs.

Advocate for Pet/Ap. : Pramod Swarup and; Jatinder Kumar Bhatia, Advs

Disposition : Appeal dismissed

Prior history : From the Judgment and Order dated 31.7.95 of the Allahabad High Court in Crl. A. Nos. 590, 598 and 601 of 1979

Judgement :

B.P. Singh, J.

1. In this appeal by special leave, the State of Uttar Pradesh has impugned the common judgment and order of the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Criminal Appeal Nos. 590, 598 and 601 of 1979. The respondents, herein were the appellants in the appeals before the High Court, who had challenged the judgment and order of the VII Addl. Sessions Judge, Hardoi dated 20th July, 1979 convicting the appellants variously under Sections 302/149, 148 IPC, 324/149 IPC. They were sentenced to life imprisonment under Section 302/149 IPC and 2 years rigorous imprisonment both under Sections 148 and 324/149 IPC.

2. The appeals preferred by the respondents were allowed by the High Court by its judgment and order dated 31st July, 1995.

3. These appeals arise out of an occurrence which took place on 29.1.1978 at 9.00 A.M. in village Amrita, just outside the house of PW-1 the informant. In the occurrence, the respondents herein and some others are said to have attacked the deceased Hira Singh, armed with fire arms and lathis, as a result of which the aforesaid Hira Singh succumbed to his injuries. The prosecution relied upon the testimony of the 4 witnesses as eye witnesses, namely, PWS.1, 2, 8 & 9. The High Court has found these witnesses to be unreliable for the reasons recorded by it.

4. We have gone through the judgment of the High Court and we find that it has considered the evidence of the witnesses and pointed out the infirmities in their evidence which discredited their testimony. We find that the appreciation of the evidence by the High Court is neither perverse nor are the findings recorded not supported by evidence on record. Moreover, the conclusion reached by the High Court is a possible reasonable conclusion which could be arrived at on the basis of the evidence on record.

5. We, therefore, find that this is not a case in which this Court may be justified in interfering with the order of acquittal.

6. In the result, we find no merit in these appeals and the same are accordingly dismissed.

7. The bail bonds of the respondents are discharged.

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