

ITEM NO.46

COURT NO.17

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.38908/2025

[Arising out of impugned final judgment and order dated 23-02-2021 in CRA No. 215/2016 passed by the High Court of Uttarakhand at Nainital]

KHARAK SINGH MEHTA

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND.

Respondent(s)

IA No. 198572/2025 - CONDONATION OF DELAY IN FILING

IA No. 198573/2025 - EXEMPTION FROM FILING O.T.

Date : 12-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE DEVENDRA KUMAR UPADHYAYA

For Petitioner(s) : Mr. Mohd. Irshad Hanif- 1447, AOR
Mr. Suhaib Samad, Adv.
Mr. Shameem Ahmad Butt, Adv.
Mr. Shaikh Humzah Mohammad Zaid, Adv.
Mr. Mohammed Imran S., Adv.
Mr. Yahiya B. M. A. Kaseri, Adv.
Mr. Mohd Suhail Rana, Adv.

For Respondent(s) : Mr. Abhishek Atrey- 1601, AOR
Dr. Abhishek Atrey, Adv.
Mr. Vikas Negi, Adv.
Ms. Ambika Atrey, Adv.
Mr. Navneet Gupta, Adv.

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

Delay condoned.

The petitioner herein was tried and convicted for the offences punishable under Section 302 of the Indian Penal Code, 1860, Sections 27 and 30 of the Arms Act, 1959, and was sentenced to imprisonment for life and fine

of Rs. 20,000/- with default stipulation. The appeal preferred by the petitioner herein stands dismissed by the Division Bench of the High Court of Uttarakhand at Nainital vide judgment dated 23rd February, 2021.

We have heard and considered the submissions advanced by learned counsel for the petitioner and have gone through the impugned judgments and the material available on record.

Allegation against the petitioner is of shooting his own wife Smt. Hema Mehta, and thereby, killing her. The prosecution case is primarily based on the testimony of two sons of the petitioner and the deceased, namely, Master U and Master M.

We have been taken through the statements of these two witnesses by learned counsel for the petitioner and find that both the child witnesses, stood firm on the version that they saw their father, the petitioner herein, shooting their mother dead. The witnesses were cross-examined at length but could not be shaken.

We are, therefore, of the opinion that the trial Court committed no error whatsoever in placing reliance on the testimony of the two eye-witnesses which stands fully corroborated by the evidence of Dr. D.S. Dharmashaktu, the Medical Officer who conducted the postmortem and opined that the cause of death was gunshot injury on the head of the deceased.

The impugned judgment does not suffer from any infirmity warranting interference. Hence, the Special Leave Petition being devoid of merit is hereby dismissed.

Pending application(s), if any, shall also stand disposed of.

(KRITIKA TIWARI)
COURT MASTER (SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER (NSH)