ITEM NO.32 COURT NO.16 SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 20544/2026

[Arising out of impugned final judgment and order dated 06-08-2026 in CRA No. 146/1986 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

MADAN & ANR. Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH Respondent(s)

IA No. 321782/2026 - APPLICATION FOR PERMISSION
IA No. 260950/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 260951/2026 - EXEMPTION FROM FILING O.T.
IA No. 267301/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 26-10-2026 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. Pradeep Kumar Yadav, Adv.**
Ms. Anjale Kumari, Adv.
Mr. Taiyyab Khan Salmani, Adv.
Mr. P Murugesan, Adv.
Ms. Pooja Shilpkar, Adv.
Mr. Aditya Yadav, Adv.
Mr. Sanjeev Malhotra- 728, AOR

For Respondent(s) :

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

Heard.

2. The petitioners herein, along with five co-accused persons, were initially arraigned as accused in FIR No. 83 of 1984 dated 12th June, 1984 registered at the Police Station Dewa, District Barabanki for the

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Date: 2026.10.28 16:07:48 IST
Reason:

offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code, 1860[1]. Upon conclusion of the investigation, chargesheet was submitted against the accused persons for the offences punishable under Sections 148, 302/149, and 307/149 of the IPC.

3. Pursuant to the trial conducted in Sessions Trial No. 387 of 1984, the learned IInd Additional District and Sessions Judge, Barabanki,[2] *vide* judgment and order dated 4th February, 1986, convicted and sentenced the petitioners and five co-accused as under:-

Section(s)	**Sentence awarded**
Section 302 read with Section 149 IPC	Imprisonment for life
Section 307 read with Section 149 IPC	Four years' rigorous imprisonment.
Section 148 IPC	Further two years rigorous imprisonment.

All the sentences were ordered to run concurrently.

4. Aggrieved by the judgment of conviction and order of sentence(s) passed by the trial Court, five out of the seven convicted accused persons, including the petitioners herein, preferred Criminal Appeal No. 146 of 1986 before the High Court of Judicature at Allahabad, Lucknow Bench[3].

5. During the pendency of the appeal before the High Court, co-accused Prabhu and Ram Das passed away, whereupon the appeal stood abated as against them *vide* order dated 19th February, 2020. Subsequently, co-accused Sant Ram also passed away, and the appeal stood abated to his extent *vide* order dated 7th January, 2026. This Court is informed that five out of the seven originally convicted

1 For short, "IPC".
2 Hereinafter, referred to as "trial Court".
3 Hereinafter, referred to as "High Court".

accused passed away during the pendency of the proceedings, thereby leaving the petitioners herein, Madan and Bharat, as the only two surviving accused.

6. The High Court, *vide* judgment and order dated 6th August, 2026, dismissed Criminal Appeal No. 146 of 1986, affirmed the conviction and sentences awarded to the petitioners (as mentioned above) and directed them to surrender forthwith to serve out their remaining sentence.

7. Aggrieved by the dismissal of their appeal and direction to surrender, the petitioners have approached this Court by way of the instant special leave petition.

8. Shri Pradeep Kumar Yadav *inter alia* advanced the following submissions in order to contend that conviction of the petitioners for the offences punishable under Sections 148, 302/149, and 307/149 of the IPC is unjustified and unsustainable in the eyes of law: -

i. That no independent witnesses were examined by the prosecution in support of its case, even though the incident took place within the public gaze.

ii. The case of the prosecution was based primarily on the testimony of the complainant, Deena Nath (PW-1), and Krishna Kumar (PW-2), both of whom are sons of the deceased and, therefore, interested witnesses. In absence of corroboration of their testimony by evidence of any independent witness or incriminating recovery, the conviction of the petitioners cannot be sustained.

iii. That no weapons were recovered during investigation and hence, the ocular testimony of the closely related eye-witnesses stands completely uncorroborated.

iv. That no specific role was assigned to the petitioners and hence,

their conviction for the offences punishable under Sections 302/149 and 307/149 of the IPC is unsustainable in facts as well as in law.

9. We have heard and considered the submissions advanced by Shri Yadav, learned counsel appearing for the petitioners, and have gone through the impugned judgment and the material placed on record.

10. The deceased Mahattam Dube was working in his field raising an embankment (mend) alongside his son, Deena Nath (PW-1)[4], at which point of time the accused persons, including the petitioners, came to the field. Accused Prabhu, Radhey, and Phool Chand were holding firearms. Accused Ram Das and Sant Ram were holding country-made bombs in a bag, and accused Madan and Bharat (petitioners herein) were armed with lathis and knives.

11. Initially, accused Prabhu, Radhey, and Phool Chand fired shots at the father of the complainant i.e, the deceased, but he ducked down and escaped the direct path of the projectiles. The complainant, who ran to rescue his father, was hit by the firearm pellets. The petitioner-Madan also hit him on his left hand with a lathi. Accused Ram Das and Sant Ram hurled country made bombs towards the deceased, which fell into water and failed to explode.

12. The complainant and his father pleaded for their lives and tried to run away. However, when they reached near the bushes of the Ajgana Canal, the petitioner-Madan hit the complainant's father from behind with a lathi, and accused Prabhu, Phool Chand, and Radhey shot at him, causing him to fall. The accused persons then dragged the complainant's father onto the bank (*patri*) of the canal, where accused Ram Das and Sant Ram beat him with lathis, and petitioners Madan and Bharat stabbed him with knives in the abdomen, head, and neck. The incident was also witnessed by Krishna Kumar (PW-2),

4 Hereinafter, referred to as "complainant".

son of the deceased, who reached the spot near the place of incident when the attack was underway.

13. Dr. Prem Prakash (PW-3), who conducted postmortem upon the body of the deceased, found multiple wounds totaling 23 on the dead body. These included firearm injuries, contusions, incised wounds, and stab injuries all over the body.

14. Likewise, when the complainant was medically examined by Dr. K. Kumar (PW-6), as many as 14 injuries caused by firearm were found existing on his person. Hence, it is apparent that the evidence of the eye-witnesses is thoroughly corroborated by the medical evidence.

15. We have gone through the depositions of Deena Nath (PW-1) and Krishna Kumar (PW-2) placed on record along with the special leave petition and find them to be witnesses of sterling worth.

16. The law is well-settled that where the direct testimony of an eye-witness is found to be reliable, the same does not require corroboration in form of any recovery, etc.

17. In an incident of this nature, where a group of accused persons armed tooth and nail, formed an unlawful assembly, went to the field of the deceased, and attacked the victims in a brutal manner, the chance of any independent witness stepping forward to give testimony against the accused would be negligible.

18. In this background, we find no merit in the submission advanced by Mr. Yadav that the testimony of the eye-witnesses is not corroborated in material particulars or that their testimony cannot be relied upon in absence of the recovery of weapons.

19. The accused persons were convicted for the offences punishable under Section 302 and 307 of the IPC with the aid of Section 149 of the IPC. There is ample evidence on record to show that they formed

an unlawful assembly, armed themselves with multiple weapons and, upon reaching the place of incident, launched an indiscriminate assault on the deceased as well as the complainant. Thus, there was no burden upon the prosecution to lead evidence about the individual role of each accused so as to hold them guilty of the charges. The accused persons, who were armed tooth and nail, proceeded to the place of occurrence in form of an unlawful assembly and launched a brutal assault in furtherance of the common object of the unlawful assembly. Therefore, the trial Court was fully justified in invoking Section 149 of the IPC to hold them vicariously liable for the offences in question.

20. Mr. Yadav made a last-ditch effort by pleading that the accused persons are in their late seventies and are suffering from various medical ailments and hence, the Court may consider taking a lenient view on the question of sentence.

21. Suffice it to say that the incident took place in the year 1984 and the trial was concluded expeditiously within a period of two years. It was at the appellate stage that the matter got stalled and remained pending for almost forty years. In any event, an offence punishable under Section 302 of the IPC, carries a mandatory statutory minimum sentence of imprisonment for life. Hence, the petitioners, citing their old age, cannot claim any benefit on the aspect of sentence merely because significant time has elapsed since the date of incident.

22. It would, however, be open to the respondent-State of Uttar Pradesh to consider any prayer for remission submitted by the petitioners, if applicable, in accordance with law at the appropriate stage.

23. As an upshot of the aforesaid discussion, we are of the

considered view that the impugned judgments passed by the courts below do not suffer from any manifest illegality, legal infirmity, or perversity warranting interference by this Court.

24. Consequently, the special leave petition fails and is dismissed as being devoid of merit. The conviction and sentences awarded to the petitioners are hereby affirmed.

25. Since the petitioners are currently on bail, their bail bonds stand cancelled and they are directed to surrender before the trial Court within a period of three weeks from today to serve out the remaining period of their sentence, failing which the trial Court shall forthwith take appropriate steps to secure their arrest and commit them to prison.

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

(VARSHA MENDIRATTA)
ASTT. REGISTRAR-cum-PS

(AKSHAY KUMAR BHORIA)
COURT MASTER (NSH)