

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NOS.450-451/2021

THE STATE OF U.P.

Appellant(s)

VERSUS

CHAMAN & ANR.

Respondent(s)

O R D E R

We have heard the learned counsel appearing for the appellant - State.

We have also taken note of the fact that despite service of notice, none appears for the respondent(s).

The facts relevant for the determination of the present appeals are that the respondent No. 1 - Chaman was convicted vide the judgment dated 23.10.2010 for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short, 'the IPC') and for the offences punishable under Sections 4 and 25 of the Arms Act, 1959. Respondent No. 2 - Irshad was convicted for the offence punishable under Section 302 read with 34 of the IPC. Both the respondents were sentenced to death by the Trial Court, subject to confirmation by the High Court. Upon hearing the appeal preferred by the respondents along with the Death Reference made by the Trial Court, the High Court allowed the

appeal, and acquitted the respondents vide the judgment dated 27.9.2013, after considering the evidence on record, and by pointing out the discrepancies in the testimonies of the prosecution witnesses. Aggrieved by the same, the present appeals have been filed by the State.

Learned counsel appearing for the appellant - State has taken us through the relevant materials, including the evidence adduced by the eye - witnesses, coupled with the reasoning adopted by the Trial Court to convict the respondents for the offences punishable under Sections 302 and 34 of the Indian Penal Code (for short, the 'IPC'), and a further conviction of respondent No.1 for the offences punishable under Section 4 and 25 of the Arms Act, 1959.

In our considered view, there is no perversity or error apparent in the reasoning arrived at by the High Court, which according to us, constitutes a plausible view.

It is trite law, that when an order of acquittal is rendered, the Courts are not required to interfere and overturn the same, unless there exists an error apparent or perversity on the face of it. The High Court did in fact take into consideration the material contradictions in the evidence presented by the prosecution, to arrive at a conclusion by way of

a reasoned judgment.

In such view of the matter, we are not inclined to interfere with the impugned judgment of the High Court dated 27.09.2013.

The appeals stand dismissed, accordingly.

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

.....J.
[M.M. SUNDRESH]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;
FEBRUARY 04, 2026.

ITEM NO.104

COURT NO.5

SECTION II

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). 450-451/2021

THE STATE OF U.P.

Appellant(s)

VERSUS

CHAMAN & ANR.

Respondent(s)

Date : 04-02-2026 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) Mr. Goutham Shivshankar, Adv.
Ms. Ruchira Goel, AOR

For Respondent(s)

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

The appeals stand dismissed in terms of the
signed order.

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

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR

[Signed order is placed on the file]