

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.606 OF 2015

RAJVIR & ANR. ... APPELLANT(S)

VS.

STATE OF UTTAR PRADESH ... RESPONDENT(S)

WITH

CRIMINAL APPEAL NOS.824-825 OF 2015

O R D E R

Heard the learned counsel appearing for the parties.

It is not in dispute that only one appellant in Criminal Appeal No.606 of 2015, namely appellant No.2-Mahavir Singh is alive. As far as Criminal Appeal No.824-825 of 2015 is concerned, the sole appellant is no more. The present appellant was charged with the offences punishable under Section 302 read with Section 149, 148, 201 and 307 read with Section 149 of the Indian Penal Code, 1860. The allegation of the prosecution is that on 5th December, 1982, the appellant-Mahavir Singh and nine others fired at the two deceased persons.

We have perused the evidence of the three witnesses. Firstly, we may note here that the dead bodies of both the victims were not recovered. We have also gone through the evidence of PW-3-Jagdish Singh Rawat who was the Investigating Officer. From his evidence, it is apparent that no effort was made to trace the dead bodies.

A perusal of the impugned judgment of the High Court shows that the High Court has not re-appreciated the evidence. In any event, the High Court has not recorded a finding that on re-appreciation of the evidence, only conclusion which could have been recorded was that the guilt of the appellant and others was established.

Taking the judgment of the High Court as correct, still one cannot come to the conclusion that the offence against the appellant was proved beyond a reasonable doubt.

Therefore, in our view, conviction of the appellant-Mahavir Singh cannot be sustained, as there was no reason to upset the order of acquittal passed by the Trial Court.

Accordingly, the impugned judgment insofar as the appellant-Mahavir Singh is concerned, is hereby quashed and set aside. As he is on bail, we direct that his bail bonds shall stand cancelled.

The appeals are accordingly disposed of.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
March 27, 2025

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). 606/2015

RAJVIR & ANR.

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

([PART HEARD BY :- HON'BLE ABHAY S. OKA AND HON'BLE UJJAL
BHUYAN, JJ.] ORIGINAL RECORD FROM HC AND TC RECEIVED
IA No. 19890/2015 - PERMISSION TO FILE ANNEXURES)

WITH CrI.A. No. 824-825/2015

Date : 27-03-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) :

Mr. Ansar Ahmad Chaudhary, AOR
Mr. Md. Anas Chaudhary, Adv.
Mr. Mohd. Sharyab Ali, Adv.
Ms. Shehla Chaudhary, Adv.
Ms. Alia Bano Zaidi, Adv.

For Respondent(s) :

Ms. Ruchira Goel, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeals are disposed of in terms of the signed
order.

Pending application also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)