

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1700 OF 2017
(Arising out of SLP (Crl.) No(s). 1957/2017)

RAM KUMAR & ANR.

APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH

RESPONDENT(S)

CRIMINAL APPEAL NO.1701 OF 2017
(@ SLP(Crl) No. 2285/2017)

CRIMINAL APPEAL NO.1702 OF 2017
(@ SLP(Crl) No.7414 of 2017 @ Diary No. 7756/2017)

SLP(Crl) No. 3531/2017

O R D E R

SLP(Crl) No. 3531/2017:

We have heard learned counsel for the parties and perused the record.

We do not find any ground to interfere with the conviction and sentence of petitioner - Ramdhan. The same is confirmed.

The special leave petition is, accordingly, dismissed.

Crl.A.No.1700 of 2017 @ SLP (Crl.) No. 1957 of 2017, Crl.A. No.1701 of 2017 @ SLP(Crl) No. 2285 of 2017 & Crl.A.No.1702 of 2017 @ SLP(Crl) No.7414 of 2017 @ Diary No.7756 of 2017:

Delay condoned.

Leave granted in the petitions filed by Ram Kumar, Lalta @ Lalta Prasad, Shree Pal and Mahendra and the special leave petition is dismissed qua Gulzari.

We have heard learned counsel for the parties and perused the record.

According to the case of the prosecution, Ramdhan (whose petition has been dismissed) stabbed the deceased Suresh. Gulzari (whose petition has been dismissed) and Mansha Ram (who was died during the pendency of proceedings) attacked with *Gadasa* and *Banka*. No doubt, in the version of prosecution witnesses, Shree Pal, Mahendra, Ram Kumar and Lalta @ Lalta Prasad have also been named but they have not been attributed any specific role beyond their presence. Mahendra and Shree Pal are alleged to have held the deceased. Ram Kumar and Lalta @ Lalta Prasad are alleged to be standing with their guns. Their naming by way of over-implication is not ruled out.

Under the circumstances, Ram Kumar, Lalta @ Lalta Prasad, Shree Pal and Mahendra are given benefit of doubt. Their conviction and sentence are set aside and they are acquitted. If they are in custody, they may be released forthwith unless required in any other case.

The appeals are disposed of accordingly.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[UDAY UMESH LALIT]

NEW DELHI
20TH SEPTEMBER,, 2017

ITEM NO.7

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1957/2017

(Arising out of impugned final judgment and order dated 28-11-2016 in CRLA No. 706/1991 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

RAM KUMAR & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

WITH

SLP(Crl) No. 2285/2017 (II)

SLP(Crl) No. 3531/2017 (II)

Diary No(s). 7756/2017 (II)

(FOR CONDONATION OF DELAY IN FILING ON IA 42028/2017
FOR EXEMPTION FROM FILING O.T. ON IA 42030/2017 and IA
No.95051/2017-CONDONATION OF DELAY IN REFILING)

Date : 20-09-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Pt. Parmanand Katara, Sr. Adv.
Mr. Mithilesh Kumar Singh, AOR
Mr. Jaigop Bhangar, Adv.
Mr. Krishna Lata Sharma, Adv.
Mr. Vimush Sharma, Adv.

Mr. Shail Kumar Dwivedi, AOR
Mr. Siddharth Krishna Dwivedi, Adv.

For Respondent(s) Mr. Adarsh Upadhyay, AOR
Mr. Amit Kumar Singh, Adv.

Mr. Varun Mishra, Adv.
Mr. Fuzail Ahmad Ayyubi, AOR

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

SLP(Crl) No. 3531/2017:

We have heard learned counsel for the parties and perused the record.

We do not find any ground to interfere with the conviction and sentence of petitioner - Ramdhan. The same is confirmed.

The special leave petition is, accordingly, dismissed.

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

Crl.A.No.1700 of 2017 @ SLP (Crl.) No. 1957 of 2017,
Crl.A. No.1701 of 2017 @ SLP(Crl) No. 2285 of 2017 &
Crl.A.No.1702 of 2017 @ SLP(Crl) No.7414 of 2017 @ Diary
No.7756 of 2017:

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

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

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

(Signed order is placed on the file)