

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 242 OF 2018
(@ SPECIAL LEAVE PETITION (CRL.) NO. 9953 OF 2017)

JUGAL SAWAIN & ORS.

... APPELLANT(S)

VERSUS

STATE OF ORISSA

... RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

We have perused the evidence of P.W-8 and P.W.-9 who are the main witnesses relied upon by the prosecution. According to them, the deceased named some of the accused but the names of Jugal Swain (Appellant No.1) and Kalia alias Kailash Pradhan (Appellant No.4) are not mentioned.

In these circumstances, we are of the view that appellant nos. 1 and 4 are entitled to benefit of doubt. Accordingly, we set aside the conviction and sentence of appellant nos. 1 and 4 and acquit them. They may be released from custody forthwith, if not required in any other case.

The appeal is disposed of in above terms.

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

NEW DELHI
7th FEBRUARY, 2018

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

ITEM NO.8

COURT NO.11

SECTION II-B

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). 9953/2017
(Arising out of impugned final judgment and order dated 05-05-2017
in CRLA No. 40/2000 passed by the High Court Of Orissa At Cuttack)

JUGAL SAWAIN & ORS.

Petitioner(s)

VERSUS

STATE OF ORISSA

Respondent(s)

(SLP (CRL.) WITH 9953/2017 WITH EXEMPTION FROM FILING O.T. ON IA
123314/2017 IS TO BE LISTED BEFORE HON'BLE COURT)

Date : 07-02-2018 These matters 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. Mukesh Jain, AOR
Mrs.Madhu Talwar,Adv.

For Respondent(s) Mr. Sanjeeb Panigrahi, AOR
Mr. Abhishek Tripathi,Adv.

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

Leave granted.

The appeal is disposed of in terms of the
signed order.

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

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(SUMAN JAIN)
BRANCH OFFICER