

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 1195-1196 of 2017

ASHOK PRASAD @ NAGA ETC.

Appellant(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

WITH

CRIMINAL APPEAL No(S). 1197-1198 OF 2017

ANIL SINGH

Appellant(s)

VERSUS

VINOD CHOURASIA @ SONI AND ORS.

Respondent(s)

O R D E R

Criminal Appeal No(s).1195-1196 of 2017 :

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

For the murder of one Amrit Raj Tomar @ Pintu, five persons were tried. Vinod Chourasia, Nishu Kumar and Tarkeshwar Prasad @ Talkeshwar Sah have been acquitted while Ashok Prasad @ Naga and Arjun Chourasia stand convicted and sentenced.

This is a case of circumstantial evidence. As far as Arjun Chourasia is concerned, there is evidence of last seen which has been rightly accepted by the courts below. We do not find any ground to disturb his conviction and sentence.

As regards Ashok Prasad @ Naga only evidence is of recovery. The same does not inspire confidence. We are of the view that Ashok Prasad @ Naga is entitled to benefit of doubt. His

conviction and sentence are set aside and he is acquitted. If he is in custody, he be released unless required in any other case.

Appeal of Arjun Chourasia is dismissed and appeal of Ashok Prasad @ Naga is allowed.

Criminal Appeal NO(s).1197-1198 of 2017 :

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

We do not find any merit in these appeals which are hereby dismissed.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

New Delhi,  
October 5, 2017.

ITEM NO.104

COURT NO.9

SECTION II-A

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

Criminal Appeal No(s). 1195-1196/2017

ASHOK PRASAD @ NAGA ETC.

Appellant(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

WITH Crl.A. No. 1197-1198/2017 (II-A)

Date : 05-10-2017 These appeals were called on for hearing today.

CORAM :

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

For Appellant(s)

(Crl.A.1195-1196/2017) Mr. Subhro Sanyal, AOR

(Crl.A.1197-1198/2017) Mr. Sanjay R. Hegde, Sr. Adv.  
Mr. Bishwabandhu, Adv.  
Ms. Astha Deep, Adv.  
Mr. Pranjal Kishore, Adv.  
Mr. T. Mahipal, AOR

For Respondent(s)

Ms. Bihu Sharma, Adv.  
Mr. Abhinav Mukerji, AOR  
Ms. Purnima Krishna, Adv.  
Mr. E. Venugopal, Adv.

Mr. Shantanu Sagar, AOR  
Mr. Shaswat Anand, Adv.  
Mr. Anmol, Adv.

Mr. Sanjeev Kumar, AOR  
Mr. H.K. Naik, Adv.  
Mr. Rajnish, Adv.  
Mr. P.S. Nerwal, Adv.  
Mr. Ajay Amrit Raj, Adv.

Mr. Kuldeep Rai, Adv.  
Mr. Jayesh G., Adv.  
Ms. Diksha Ojha, Adv.  
Mr. Farrukh Rasheed, AOR

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

In terms of the signed order, Criminal Appeal No(s).1195-1196 of 2017 are partly allowed and Criminal Appeal No(s).1197-1198 of 2017 are dismissed.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
COURT MASTER

(Signed order is placed on the file)