

---

**(2012) 03 SC CK 0021**

**In the Supreme Court Of India**

**Case No : Criminal Appeal No. 1109 of 2002**

State of Uttar Pradesh

APPELLANT

Vs

Durga Prasad and Others

RESPONDENT

---

**Date of Decision : 01-03-2012**

**Acts Referred:**

Constitution of India, 1950 — Article 136  
Penal Code, 1860 (IPC) — Section 147, 148, 149, 302

**Citation : (2012) 2 RLW 1333 : (2012) 4 SCC 133**

**Hon'ble Judges : H.L. Dattu, J;Anil R. Dave, J**

**Bench : Division Bench**

**Final Decision : Allowed**

---

## **Judgement**

1. This appeal is directed against the judgment and order dated 28.03.2000 in Criminal Appeal No. 1378 of 1980 of the High Court of Judicature at Allahabad. By the impugned judgment and order, the High Court has reversed the judgment and order passed by the Sessions Court in convicting the Respondents-accused persons under Sections 302, 147, 148 and 149 of the Indian Penal Code.

2. The High Court, after re-appreciating the entire evidence on record has come to the conclusion that the order of conviction and the sentence awarded by the Sessions Court is legally not justifiable. Accordingly, has set aside the order and acquitted all the Respondents. It is this order which is called in question in this appeal.

3. We have heard Mr. Ratnakar Dash, learned senior counsel appearing for the State of Uttar Pradesh, Shri Nagendra Rai, learned senior counsel and Dr. J.N. Dubey, learned senior counsel appearing for the Respondents.

4. We have meticulously gone through the evidence on record and the judgment and order passed by the High Court. We are convinced that the High Court has not committed any error which would call for our interference in exercise of our powers under Article 136 of the Constitution of India. Consequently, we affirm

the judgment and order passed by the High Court and reject the appeal preferred by the State.

Ordered accordingly.