

(2011) 06 UK CK 0032

In the Uttarakhand High Court

Case No : Leave to Appeal No. 66 of 2011, Government Appeal No. 43 of 2011
and Delay Condonation Application No. 638 of 2011

State of Uttarakhand

APPELLANT

Vs

Rakesh Aggarwal

RESPONDENT

Date of Decision : 17-06-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (2011) 06 UK CK 0032

Hon'ble Judges : Servesh Kumar Gupta, J; Prafulla C. Pant, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. This is Delay Condonation Application No. 638 of 2011, for condonation of delay in filing the appeal against the judgment and order dated 28.2.2011, passed by IInd Fast Track Court/Additional Sessions Judge, Hardwar in Sessions Trial No. 119 of 2002, whereby said court has acquitted the accused/Respondent Rakesh Agarwal from the charge of offence punishable u/s 302 I.P.C.

3. Delay in filing the appeal is condoned. The Delay Condonation Application No. 638 of 2011 stands allowed.

4. Also heard on leave to appeal and perused the impugned judgment and order passed by the trial court.

5. Perusal of the impugned judgment shows that most of the witnesses of fact have not supported the prosecution story. It is a case where in a marriage procession several persons were said to have fired shots in the air in joy. One of the bullets hit at the boy aged 13 years, who died. Most of the eye witnesses have turned hostile and stated they did not see who fired the shot by which the boy died.

6. Having gone through the impugned judgment and after considering the grounds mentioned in the appeal, 3 this Court does not find any error of law committed by the trial court, in acquitting the accused.

7. Leave to Appeal is refused. (Application for Leave to Appeal No. 66 of 2011 is dismissed). The appeal is dismissed, summarily.