

(2011) 04 UK CK 0061

In the Uttarakhand High Court

Case No : Leave to Appeal No. 43 of 2011, Government Appeal No. 32 of 2011
and Delay Condonation Application No. 419 of 2011

State of Uttarakhand

APPELLANT

Vs

Triloki, Naresh Yadav, Babu Lal and Sunil

RESPONDENT

Date of Decision : 28-04-2011

Acts Referred:

Arms Act, 1959 — Section 25
Penal Code, 1860 (IPC) — Section 302

Citation : (2011) 04 UK CK 0061

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—This is Delay Condonation Application No. 419 of 2011, for condonation of delay in filing the appeal against the judgment and order dated 18.12.2010, passed by Additional Sessions Judge/first Fast Track Court, Hardwar in Sessions Trial No. 317 of 1996, whereby accused/Respondents Triloki, Naresh, Babu Lal and Sunil are acquitted.

2. The Delay of 37 days in filing the appeal is sufficiently explained in the affidavit.

3. The Delay Condonation Application No. 419 of 2011 is allowed. Delay is condoned.

4. Also heard on leave to appeal and perused the impugned judgment and order dated 18.12.2010, passed by Additional Sessions Judge/first Fast Track Court, Hardwar in Sessions Trial No. 317 of 1996. There were five accused in the case who faced the trial. The main assailant who is said to have inflicted the knife blow was Jungi @ Ram Singh Yadav. The trial court has convicted said accused u/s 302 I.P.C., and also u/s 25 Arms Act. The other four accused, who are the Respondents in the present appeal were acquitted by the trial court. As per the

prosecution story they have been assigned role of catching hold of the deceased. The trial court, after careful examination of the evidence on record came to the conclusion that there was no common intention or the common object on the part of the accused/Respondents with the accused Jangi @ Ram Singh Yadav, who was convicted by said court.

5. Having gone through the impugned judgment and order, passed by the trial court, we do not find any sufficient reason to grant leave to appeal against acquittal in the present case. Leave to Appeal is refused. (Leave to Appeal Application No. 43 of 2011 is rejected). The appeal is dismissed, accordingly.