

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1965 OF 2008

PAPPU @ RAM NARAYAN

APPELLANT

VERSUS

STATE OF UTTAR PRADESH

RESPONDENT

O R D E R

1. This appeal arises out of judgment and order dated 23.08.2007 passed by the High Court of Judicature at Allahabad in Criminal Appeal No.428 of 2006. By the impugned judgment and order, the High Court has confirmed the appellant's conviction and sentence of life imprisonment and three years rigorous imprisonment, under Section 302 of the Indian Penal Code, 1860 ("IPC" for short) and Section 25 of the Arms Act, 1959, respectively, ordered by the learned Sessions Judge in Sessions Case Nos. 859 and 860 of 2000 in his judgment and order dated 17.01.2006.

2. We have heard Shri Shovan Mishra, learned *amicus* for the appellant. None appears for the respondent- State of Uttar Pradesh.

3. We have perused the judgments of the Trial Court and the High Court. The Trial Court and the High Court, apart from the other evidence, have relied upon the evidence of P.W.1, who is the informant and also an eye-witness to the entire incident. The Trial Court has also taken into consideration the postmortem report issued by the Doctor. The Trial Court, after analysing the entire evidence on record, has concluded that it is the accused and the accused alone who is responsible for causing the death of Krishna Murari Gupta by shooting at him with the country made pistol. Accordingly,

has convicted and sentenced the appellant for the aforesaid offences.

4. Aggrieved by the said judgment and order of the Trial Court, the appellant had preferred an appeal before the High Court. By the impugned judgment, the High Court has confirmed the judgment of the Trial Court, as noticed by us earlier.

5. We have perused the judgment and order passed by the High Court as also the Trial Court. We are convinced that the reasoning and the conclusion reached by both the Trial Court and the High Court does not suffer from any legal infirmity and, therefore, the interference with the impugned judgment is not called for.

6. In the result, the appeal requires to be dismissed. It is ordered accordingly.

7. The fee payable to the *amicus* is assessed at Rs.7,500/- and is to be paid to Shri Shovan Mishra.

JUDGMENT

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
OCTOBER 04, 2012