

ITEM NO.19

Court 3 (Video Conferencing)

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s) . 21063/2020

(Arising out of impugned final judgment and order dated 12-09-2019 in CRLA No. 5409/2003 passed by the High Court Of Judicature At Allahabad)

KAMESHWAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent (s)

(FOR ADMISSION and I.R. and IA No.103463/2020-CONDONATION OF DELAY
IN FILING and IA No.103465/2020-EXEMPTION FROM FILING O.T.)

Date : 04-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr.K L Janjani,Adv
Mr.Pramod Tiwari,Adv
Mr.Vivek Tiwari,Adv
Ms.Priyanka Dubey,Ad
Mr.Vinod Kumar Shukla,Adv
Dr. Vinod Kumar Tewari, AOR

For Respondent (s)

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

Learned counsel for the petitioners submits that even if the finding of fact recorded against the accused No.1 is unassailable, the courts below ought not to have convicted the petitioners-accused Nos. 2 and 3 respectively by taking recourse to Section 34 of the

Indian Penal Code, considering the nature of injury and the background of incident had occurred.

Liberty is granted to serve advance copy of petition on the Standing Counsel for the State of Uttar Pradesh.

List this matter on 29.10.2021.

(DEEPAK SINGH)
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)
ASSISTANT REGISTRAR