

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Government Appeal No. 2086 of 2001

State of Uttaranchal Appellant

Versus

Jogendra Singh Opp. Party

Mr. Nandan Arya, learned A.G.A. for the State/appellant
Mr. J.S. Virk, Advocate for the respondent

Date of Judgment: 28.02.2011

JUDGMENT

**Coram: Hon'ble Barin Ghosh, C.J.
Hon'ble V.K. Bist, J.**

BARIN GHOSH, C.J. (ORAL)

In Criminal Appeal No. 1770 of 2001, Tara Singh assailed the judgment of the Sessions Judge, whereby the Sessions Judge held Tara Singh has committed the murder, for which charge was framed against Tara Singh as well as against Jogender Singh. While Sessions Judge held Tara Singh guilty of murder, it exonerated the other accused Jogender Singh of the charge. The State has, therefore, filed Government Appeal No. 2086 of 2001.

2. The thrust in the State's appeal is on the evidence of eyewitnesses recorded before the Sessions Judge. In the appeal preferred by Tara Singh, for reasons recorded in our judgment rendered today, we have not been able to persuade ourselves to accept the evidence of the alleged eyewitnesses. That being the situation, we are unable to rely upon the evidence of alleged eyewitnesses in the present appeal.

3. Accordingly, there is nothing further to be done in the appeal, the same is dismissed.

**(V.K. Bist, J.)
28.02.2011**

**(Barin Ghosh, C.J.)
28.02.2011**

Aswal