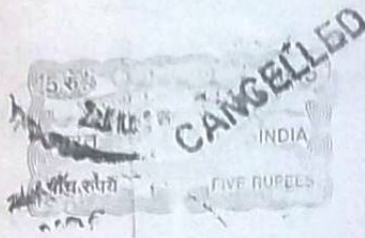


संलग्नक 20/3

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Inquiry/Investigation No. 151 of 1991, under Sections 409/120B, 465/120B, 467/120B, 468/120B, 4/1/120B, 477A/120B and 13(2) of Prevention of Corruption Act, Police Station Kadar Chowk, District Badaun, Special Trial No. 38 of 1997 (State of U.P. Versus Rishipal Singh and others)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPELLATE JURISDICTION

GOVERNMENT APPEAL NO. 634 OF 2017
(Under Section 378 of Criminal Procedure Code)

DISTRICT : BAREILLY

On behalf of:

State of U.P.

----- Appellant

Versus

1. Rishipal Singh son of Mukhtyar Singh, resident of village Mada Kheda, Police Station Gonda, District Aligarh, at present Regional Youth Welfare Officer, Block Gunnaur, District Badaun.
2. Onkar Gangwar son of Sri Jorawar Lal, resident of Village Parsiya, Police Station Beesalpur, District Pilibhit. At present residing Suresh Sharma Nagar, Police Station Baradari, District Bareilly. At present Khand Vikas Adhikari, Bolck Wazirganj, District Badaun.
3. Chaitanya Prakash Saxena s/o of Ramswaroop, resident of Mohala Kooncha Panda, Kotwali Badaun. At present Aakik Vikas Khand Usawan, District Badaun.

-----Accused-Respondents

Till the time of drafting of the present government appeal the complainant has filed / not filed criminal appeal (under section 372 Cr.P.C.) against the judgment and order of acquittal dated 12.09.2016 in Special Trial No. 38 of 1997 (State of U.P. Versus Rishipal Singh and others).

Jeeendra Kumar
13.04.17

Court No. - 10

Case :- GOVERNMENT APPEAL No. - 634 of 2017

Appellant :- State Of U.P.

Respondent :- Rishipal Singh And 2 Others

Counsel for Appellant :- G.A.

Hon'ble Arun Tandon, J.

Hon'ble Rajul Bhargava, J.

This appeal is preferred by the State of Uttar Pradesh under Section 378 (3) of Criminal Procedure Code, against the judgment and order of the Additional Sessions Judge/Special Judge (Anti Corruption), Court No.2 Bareilly passed in Special Trial No.38 of 1997 (State of U.P. Vs, Rishipal Singh and others) arising out of Inquiry/Investigation No. 151 of 1991, under Sections 409/120-B, 465/120B, 467/120B, 468/120B 471/120B, 477A/120B and 13(2) of Prevention of Corruption Act, Police Station Kadar Chowk, District Baddaun.

We have carefully gone through the judgment and orders of Session Court and we find that cogent reasons have been recorded for coming to the conclusion that the prosecution has not been unable to lead sufficient evidence to bring home the charge as alleged against the accused.

The trial court has specifically recorded that witnesses which were produced by the prosecution had turned hostile. On a pointed query made by us, counsel for the appellant could bring to our notice any Circular/Government Order wherein plantation in the rever bed.

In the totality of the circumstances on record, we see no reason to take any different view then the one which has been taken by the trial court for acquitting the accused.

This appeal is dismissed. *sd/- Arun Tandon, J.*

Order Date :- 9.2.2017

Junaid

Ex: Tejendra Kumar
13.04.17

TRUE COPY
Miraj
13-4-17
Assistant Registrar
Copying Misc. 'E' Section
High Court, Allahabad

