



2026:AHC:7230-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2420 of 1987

Ram Shankar And Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	, Mahendra Pratap Yadav
Counsel for Respondent(s)	:	

Court No. - 46

HON'BLE SIDDHARTH, J.

HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard Sri M. P. Yadav, learned counsel for the appellant as well as learned A.G.A.

2. This appeal is directed against the judgement and order dated 17.09.1987 passed by 3rd Additional Sessions Judge, Basti in S. T. No. 388 of 1985 (State Vs.Umapati Tripathi & Others), convicting the appellant Rama Shankar Singh under Sections 148/302 I.P.C. and sentencing him one year rigorous imprisonment for under Section 148 I.P.C. and rigorous imprisonment for life under Section 302 I.P.C. Further, convicted the appellants Uma Pati Tripathi and Ram Surat Singh under Sections 147 and 302 read within Section 149 I.P.C. and sentenced them six month rigorous imprisonment under Section 147 I.P.C. and rigorous imprisonment for life under Section 302 read with Section 149 I.P.C.

3.As per the report of District Judge, Basti dated 06.12.2025, enquiry was initiated against Ved Prakash Shukla retired class-III employee and he was found responsible in the departmental enquiry for the loss of the trial court record.

4.The District Judge, Basti has informed this Court that Additional District & Sessions Judge, Court No. 2, Basti has sent a report dated 23.04.2025 stating that record of this case cannot be reconstructed.

5.We further find that the incident took place on 26.11.1979 and the trial Court has concluded the trial on 17.09.1987. It does not appears feasible to issue a direction for re-trial of the appellants, being very old matter and there is remote possibility of witnesses being alive/available and even if

alive/available, they would be in a position to appear in the witness box. Accordingly, we have no option but to set aside the judgement and order dated 17.09.1987 of trial Court and acquit the appellant no.2, Ram Surat Singh, the only surviving appellant, of all the charges. Appellant nos. 1 and 3 , namely, Ram Shankar Singh and Uma Pati Tripathi, have already died and the appeal qua them has been dismissed as abated vide order dated 13.11.2025.

6. Accordingly, the appeal is allowed.

7. Let a copy of this order be communicated to the District & Sessions Judge, Basti within a period of two weeks.

January 12, 2026
AKT

(Jai Krishna Upadhyay,J.) (Siddharth,J.)