

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

CRIMINAL APPEAL NO(s). 451 OF 2006

SURESH MAHATO

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ANR.

Respondent(s)

(With appln(s) for exemption from surrendering)

Date: 30/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. B.S. Jain, Adv.
Mr. Ajay Veer Singh, Adv.
Ms. Anisha Jain, Adv.
Mr. Uday Ram, Adv.
Mr. Ashish Kumar Saini, Adv.
Mohd.Irshad Hanif, Adv.

For Respondent(s)

Mr. Tara Chandra Sharma, Adv.

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

The Appeal is allowed.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

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O R D E R

Heard the learned counsel for the parties.

This Appeal, by special leave, has been filed against
the impugned judgment of the High Court of Calcutta dated
07.12.2005.

The facts of the case have already been stated in the impugned judgment and hence we are not repeating them here again.

The case at hand is a case of circumstantial evidence. On the facts of the case, we are of the opinion that the prosecution has not been able to establish all the links in the chain which could connect the accused with the crime.

Hence, the Appeal is allowed accordingly. Impugned judgment is set aside and the appellant is acquitted.

.....J.
(MARKANDEY KATJU)

.....J.
(T.S. THAKUR)

NEW DELHI
AUGUST 30, 2010.