

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1147 of 2009

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

KASHIRAM

Respondent(s)

O R D E R

Heard the learned counsel for the appellant and perused the evidence as well as the judgment passed by the Trial Court convicting the accused person and the decision of acquittal recorded by the High Court for offences punishable under Sections 498-A and 304-B of the IPC.

After perusing the record, we find that the order of the High Court is not sustainable. We therefore, set aside the same and request the High Court to consider the case afresh after hearing the parties and pass a reasoned order duly considering the facts and circumstances employed by the Trial Court and the evidence on record including the presumption arising out of the legal provisions.

The appeal is, therefore, allowed to the aforesaid extent by setting aside the impugned order.

Pending application(s), if any, shall stand disposed of.

.....J
(ARUN MISHRA)

.....J
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;
JULY 20, 2017

ITEM NO.102

COURT NO.11

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1147/2009

THE STATE OF MADHYA PRADESH

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Date : 20-07-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Ms. Shashi Juneja, Adv.
Mr. Prateek Rusia, Adv.
Mr. C.D. Singh, Adv.

For Respondent(s) Ms. Anuradha Mutatkar, AOR

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

The appeal is allowed in terms of the signed order.

(B. PARVATHI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)