

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.51 of 1997@@  
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YUSUF @ BABU KHAN Appellant (s)

VERSUS

STATE OF RAJASTHAN Respondent(s)

With  
Crl.A.No.185/1997 (with appln.(s) for exemption from filing OT)

Date : 23/01/2003 These Appeals were called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE B.P. SINGH

For Appellant (s) Mr. S.K. Gambhir, Sr. Adv.  
Crl.A.185/97 Mr. H.K.Puri, Adv.  
Mr. Awanish Sinha, Adv.  
Mr. Vivek Gambhir, Adv.

in Crl.A.51/97 Mr. J.S. Sodhi, Adv.  
Mr. Chand Kiran, Adv.  
Dr. K.S. Chauhan, Adv.  
Mr. Pankaj Kr. Singh, Adv.

For respondent(s) Mr. V.N. Raghupathy, Adv.  
Mrs. Bharati Upadhyaya, Adv.  
Mr. D.K. Thakur, Adv.  
Mr. Javed Mahmud Rao, Adv.

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

L....L.....I.....T.....T.....T.....T.....T.....T.....J

.SP2  
Mr. J.S. Sodhi, learned counsel resumed his arguments at 10.30 a.m. and concluded at 11 a.m. Thereafter, Mr. V.N. Raghupathy, learned counsel started his arguments and concluded at 11.35 a.m.

These appeals are liable to be allowed and the judgment and conviction awarded by the Designated Court is set aside. The appellants are on bail, their bail bonds shall stand discharged.

.SP1  
(Pawan Kumar) (Prem Prakash)  
Court Master Court Master  
(signed order is placed on the file)

.....L.....T.....T.....T.....T.....T.....T.....T.....T.....J

.SP1

.SP2

incident in question dates back to the year 1990 and the only circumstance connecting the accused with the crime is the fact that they were found in the van with the explosives and there being no other charges especially connecting the accused of involvement in any other terrorist activity, we think in the interest of justice, we should put an end to these proceedings, hence, we are not inclin-ed to remand this case for fresh trial. In that view this prayer of the learned counsel is also rejected.

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
Consequently, these appeals are liable to be allowed and the judgment and conviction awarded by the Designated Court is set aside. The appellants are on bail, their bail bonds shall stand discharged.

.SP1

.....J.  
( N. SANTOSH HEGDE )

.....J.  
( B.P. SINGH )

New Delhi,  
January 23, 2003.