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Crl.A.No. 344 OF 2002
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
ITEM No.101 Court No. 7 SECTION II

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.344 of 2002@@
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STATE OF JAMMU & KASHMIR Appellant (s)

VERSUS

MUJAHID HUSSAIN & ORS. Respondent (s)

(with office report)

Date : 04/12/2002 This Appeal was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.P. SINGH

For Appellant (s) Mr. Anis Suhrawardy, Adv.

For Respondent (s) Mr. Ashok Arora, Adv.
Mr. Shushil Kumar Jain, Adv.
Mr. A.B. Bhat, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Mr. Anis Suhrawardy, learned counsel argued this matter for about 15 minutes.

The appeal is dismissed. Bail bonds shall stand discharged.

.SP1

(Pawan Kumar)
Court Master

(Shelly Sen Gupta)
Court Master

(signed order is placed on the file)

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.PL55

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 344 OF 2002@@
EE

State of Jammu & Kashmir ..Appellant

Vs.

Mujahid Hussain & Ors. ..Respondent

O R D E R@@
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.SP2

This appeal is filed against the judgment of acquittal made by the Designated Court, TADA(P) Act, Jammu in File No.112/CH dated 1st of June, 2001. The said Court on consideration of the material on record came to the conclusion that the only injured witness, PW.2, Ashok Kumar Gupta, who spoke about the incident in question implicating the respondents herein, his previous statement was never recorded under Section 161 Cr.P.C. by the investigating agency hence the said Court refused to place any reliance on the evidence of the said witness. The Court also came to the conclusion that the said witness has not specifically mentioned the name of the respondents to implicate in the crime. Having considered the material on record we agree with the learned Judge. We notice this witness was giving evidence, nearly seven years after the incident and that too without his previous statement being recorded. Therefore, we think that the impugned judgment does not call for any interference. ...2/-

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In the said view of the matter, we find no merit in this appeal, therefore, the same is dismissed. Bail bonds shall stand discharged.

.SP1

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

.....J.
(SHIVARAJ V. PATIL)

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

New Delhi,
December 04, 2002.