

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

CRIMINAL APPEAL Nos.879 OF 1997

STATE OF H.P. Appellant (s)

VERSUS

ANDREW JOHN Respondent (s)
(with officed report)

Date : 16/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. JS Attri, Adv.

For Respondent (s)Mr. Ashok K Srivastava, Adv. (AC)

UPON hearing counsel the Court made the following

O R D E R

Mr. JS Attri, learned learned counsel for the appellant made his submissions from 3.15 PM to 3.30 PM. Thereafter Mr. Ashok K Srivastava, learned counsel for the respondent made his submissions for a few minutes.

The appeal is dismissed in terms of the signed order. The accused is discharged from his bail bonds.

(D.L.Chugh) (Kanwal Singh)
Court Master Court Master
Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINALL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.879 OF 1997

STATE OF H.P.Appellant(s)

versus

ANDREW JOHNRespondent(s)

O R D E R

Heard the learned counsel for the parties.

The respondent who was arrayed as an accused for allegedly causing homicidal death of one Kan shi Ram (hereinafter referred to as "the deceased") was acquitted by the High Court of Himachal Pradesh by the impugned judgment. The case is based on circumstantial evidence. The High Court by a well reasoned order found the circumstances high-lighted by the prosecution are not sufficient to present a complete chain of circumstances which is required to be proved to warrant conviction.

Learned counsel for the appellant-State submitted that the circumstances as alleged by the prosecution, in fact, point out to the guilt of the accused and not otherwise. Learned counsel appearing for the respondent as amicus curiae supported the judgment of the High Court. We find that though several circumstances were indicated by the prosecution to further its version, they do not make out a case to prove that it was the accused and none else who was responsible for the homicidal death of the deceased. The circumstances also themselves have not been established by cogent evidence. We do not see any infirmity in the judgment of the High Court to warrant our interference. The appeal is dismissed. The accused is discharged from his bail bonds so far as the present case is concerned.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)
New Delhi,
December 16, 2003