

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.676 OF 1999

STATE OF A.P. Appellant (s)

VERSUS

SYED IBRAHIM Respondent (s)

Date : 29/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU

HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant(s) Ms. K Amareshwari, Sr. Adv.
Mr. G Prabhakar, Adv.

For Respondent(s) Mr. A Subba Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

Ms. K Amareshwari, learned senior counsel resumed her arguments at 10.50 AM and concluded at 11.00 AM. Thereafter Mr. A Subba Rao, learned counsel for the respondent made his submission for few minutes. The appeal is disposed of in terms of the signed order .

(D.L.Chugh) (Vijay Aggarwal)

AR-cum-PS

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.676 OF 1999

STATE OF A.P. Appellant(s)

versus

SYED IBRAHIM Respondent(s)

O R D E R

Heard the learned counsel for the parties.

We find that the High Court abruptly came to the conclusion about the evidence of PW 1 being not acceptable and credible without indicating any reason for coming to such conclusion. It referred only to the submissions of learned counsel for the accused and did not arrive at its own conclusions. In the fitness of things, the High Court should rehear the matter and dispose of the appeal which is remitted to it in accordance with law. We make it clear that we have not expressed any opinion on the merits of the case. Since the appeal before this Court was against an order of acquittal and the respondent accused was released on the basis of the bailable warrants, the same shall continue till the disposal of the appeal before the High Court, unless the High Court diverts otherwise. This appeal stands disposed of finally.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)

New Delhi,
APRIL 29, 2004