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SLP(Crl.)No. 1503 OF 2005
ITEM NO.44

COURT NO.1

SECTION IIA

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

Petition(s) for Special Leave to Appeal (Crl) No(s).1503/2005
(From the judgement and order dated 17/12/2004 in CRLA No. 2311/2000 of The HIGH COURT OF M.
P. AT JABALPUR)

RAM MILAN & ANR.

Petitioner(s)

VERSUS

STATE OF M.P.

Respondent(s)

(With appln(s). for bail and exemption from filing O.T. and office report)

Date: 13/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)Mr. Ram Ekbal Roy, Adv.
Mr. M.P. Jha, Adv.
Mr. Harshvardhan Jha, Adv.

For Respondent(s)Mr. C D Singh, Adv.
Mr. R K Singh, Adv.
Mr. Kiran Suvarna, Adv.
Mr. Sanjay Kumar Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2005

[arising out of SLP(Crl.) No.1503 of 2005]

Ram Milan & Anr.... Appellants

vs.

State of Madhya Pradesh... Respondent

O R D E R

Leave granted.

After hearing the learned counsel for the parties, we are satisfied that the impugned judgment of the High Court does not fulfill the requirement of being a judgment. The judgment has been delivered in a criminal appeal wherein conviction of the accused persons under Sections 148 and 302 read with Section 149 of the I.P.C. was under challenge. There is testimony of about 30 witnesses available on record which needs to be appreciated. Prima facie, the judgment is cryptic and does not deal with all the questions of facts and law arising for decision in the appeal.

The appeal is allowed. The impugned judgment is set aside and the case is sent back to the High Court for hearing and decision afresh.

.....CJI (R.C. LAHOTI)

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

.....J
(G.P. MATHUR)

New Delhi;
May 13, 2005.