

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1096 OF 2007

ASHOK KUMAR JAIN

APPELLANT(s)

VERSUS

STATE OF MADHYA PRADESH

RESPONDENT(s)

O R D E R

This appeal, by special leave, is directed against the judgment and order dated 12.01.2007 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.708 of 1992.

The appellant, who was posted as clerk-cum-cashier in the Sub Treasury, Ajaygarh, was alleged to have committed offences under Sections 409 and 420 IPC and was tried by Judicial Magistrate 1st Class, Panna in Criminal Case No.118 of 1990. Finding him guilty of the offence with which he was charged, the Trial Court sentenced the appellant to suffer three years and two years respectively on the aforesaid two counts with imposition of fine and default sentence.

The matter was carried further by the appellant in Criminal Appeal No.64 of 1990, which came to be allowed by the Sessions Court, Panna vide judgment and order dated 29.10.1991. The appellant was acquitted of all the charges by the Appellate Court.

At the instance of the State, Criminal Appeal No.708 of 1992 was filed before the High Court, which by the impugned judgment and order allowed said appeal and restored the original judgment of conviction and sentence passed by the Judicial Magistrate.

By order dated 20.08.2007, while granting special leave to appeal, this Court directed that the appellant be released on bail subject to the satisfaction of the Judicial Magistrate, 1st Class, Panna, Madhya Pradesh. The appellant, has, thus, been enjoying the benefit of being on bail for the last 12 years.

With the assistance of learned counsel for the parties, we have gone through the records and considered rival submissions.

The evidence on record discloses that the appellant, though working as clerk-cum-cashier in the Sub Treasury, Ajaygargh, was not solely incharge of and custodian of stamp papers. Secondly, the appellant had the benefit of acquittal by the Appellate Court and the law on the point is very clear that while dealing with an appeal against acquittal, the Court must be very slow in interfering in the matter. Having bestowed our attention, we do not find that the case called for any interference while considering an appeal against acquittal by the High Court.

We, therefore, set aside the view which has weighed with the High Court, allow this appeal and restore the

order that was passed by the Appellate Court on
29.10.1991. The bail bonds stand cancelled.

.....J.
(UDAY UMESH LALIT)

.....J.
(HEMANT GUPTA)

NEW DELHI
FEBRUARY 06, 2019

ITEM NO.102

COURT NO.9

SECTION II-A

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(s).1096/2007

ASHOK KUMAR JAIN

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

Date : 06-02-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE HEMANT GUPTAFor Appellant(s) Mr. Sanjiv Das, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Parmanand Gaur, AORFor Respondent(s) Mrs. Swarupama Chaturvedi, AOR
Mr. B.N. Dubey, Adv.
Mr. Mukesh Kumar, Adv.
Ms. Indira Bhakar, Adv.
Ms. Aparna Trivedi, Adv.
Mr. Santanu Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

The bail bonds stand cancelled.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)