

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1511 OF 2013

STATE OF H.P. Appellant (s)

VERSUS

MOHAMMAD NAZIR Respondent(s)

with

CRIMINAL APPEAL NO(s). 1512 OF 2013

O R D E R

Both the appeals arise out of a common Judgment and as such, they have been heard together and are being disposed of by this order.

Mohd. Nazir, respondent in Criminal Appeal No. 1511 of 2013 and Hasmat Bibi, Sardar Deen and Balkisha Bibi, respondents in Criminal Appeal No. 1512 of 2013, aggrieved by their conviction under Section 302/34 of the Indian Penal Code, preferred separate appeals before the High Court. The High Court, by the impugned order, had acquitted them of the charges. The State of Himachal Pradesh, aggrieved by the same, has preferred these appeals with the leave of the Court.

The High Court, in appeal, reappraised the evidence and while acquitting the respondents, assigned ten reasons. The High Court found significant improvement in the case of the prosecution during trial. The High Court further found the claim of the eye-witnesses to be unworthy of reliance and not corroborated by the medical evidence. Not only this, the High Court doubted the time of occurrence itself. In the opinion of the High Court, the possibility of the First Information Report being ante-timed cannot be ruled out.

Mr. Ajay Marwah, learned counsel appearing on behalf of the appellant, has submitted that the reasons assigned by the High Court while acquitting the respondents are unsustainable.

Mr. Dhruv Pal as also Mr. Vikas Mahajan, learned counsel appearing on behalf of the respondents, however, submit that each of the reasons given by the High Court while acquitting the respondents are weighty reasons.

We have bestowed our consideration to the rival submissions. We find that the reasons assigned by the High Court while acquitting the respondents are good and valid reasons. Even if we assume that one of the reasons i.e. non-examination of one Fakrudeen is erroneous, but that itself shall not render the finding of the High Court perverse. We are of the opinion that the view taken by the High Court is one of the possible views, which does not call for any interference by this Court.

In the result, we find no merit in these appeals, which are, accordingly, dismissed.

.....J.
[CHANDRAMAULI KR. PRASAD]

.....J.
[PINAKI CHANDRA GHOSE]

New Delhi;
March 26, 2014.

ITEM NO.101

COURT NO.9

SECTION IIB

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

CRIMINAL APPEAL NO(s). 1511 OF 2013

STATE OF H.P.

Appellant (s)

VERSUS

MOHAMMAD NAZIR

Respondent(s)

WITH
APPEAL(CRL) NO. 1512 of 2013

Date: 26/03/2014 These Appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Appellant(s) Mr. Ajay Marwah, Adv.
for Ms. Pragati Neekhra, Adv.(N.P)

For Respondent(s) Mr. Dhruv Pal, Adv.
Mr. Shree Pal Singh, Adv.

Mr. Vikas Mahajan, Adv.
Mr. Vishal Mahajan, Adv.
Mr. Vinod Sharma, Adv.
Mr. B.Y. Kulkarni, Adv.

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

The Criminal Appeals are dismissed in terms of the signed order.

| (Jayant Kumar Arora) | | (Indu Satija) |
| Sr. P.A. | | Assistant Registrar |

(Signed order is placed on the file)