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Cr1.A.No. 1318 OF 1998

ITEM No.103

Court No. 11

SECTION IIA

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. 1318/1998

State of Punjab

Appellant (s)

vs.

Rajinder Kumar & Anr.
(With office report)

Respondent (s)

Date:15/4/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N.AGRAWAL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)

Mr. R.K. Rathore, Addl. Adv. Gen. (Punjab)
Mr. Madhukar Choudhary, Adv.
Mr. Bimal Roy Jad, Adv.

For Respondent (s)

Mr. H.K. Puri, Adv.

Mr. L.K. Pandey, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(Sarojbala)(Kanwal Singh)

PA to Addl. Registrar

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1318 OF 1998

State of Punjab

Appellant(s)

Vs.

Rajinder Kumar & Anr.

Respondent(s)

O R D E R

Heard the parties.

The respondents were charged for offences punishable under Sections 302 read with Sections 34 and 304B of Indian Penal Code (for short IPC), but the Trial Court acquitted them of the charges. Challenging the order of acquittal the State of Punjab filed an application for grant of leave before the High Court of Punjab and Haryana which, by the impugned order, declined leave. Hence, this appeal by special leave.

Having heard the parties and perused the record, we are of the opinion that the view taken by the Trial Court was reasonable and possible one, as such judgment, by which an

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acquittal was recorded, cannot be said to be perverse in any manner and the High Court has not committed any error in declining to grant leave. The appeal is accordingly dismissed.

.....J.
(B.N. AGRAWAL)

.....J.
(Dr. AR. LAKSHMANAN)

NEW DELHI
APRIL 15, 2004.