

ã

Crl.A.No. 981 OF 1997

ITEM No.101

PART-HEARD

Court No. 3

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.981 OF 1997

PREMJEET SINGH Appellant (s)

VERSUS

STATE OF M.P. Respondent (s)
(with office report)

Date : 15/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE S.B. SINHA

For Appellant (s)Mr. RC Kohli, Adv.

For Respondent (s)Ms. Vibha Datta Makhija, Adv.

UPON hearing Counsel the Court made the following

O R D E R

Mr. RC Kohli, learned counsel for the appellant resumed his arguments at 10.40 AM and concluded at 10.45 PM. Thereafter learned counsel for the respondent-State made her submissions for a few minutes. The appeal is allowed in terms of the signed order.

(D.L.Chugh) (Vijay Aggarwal)
Court Master Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.981 OF 1997

PREMJEET SINGHAppellant(s)

versus

STATE OF M P Respondent(s)

O R D E R

The above appeal has been filed against the judgment of a Division Bench of the Madhya Pradesh High Court at Jabalpur dated 5.3.1997 in Criminal Appeal No.169 of 1992, whereunder on an appeal filed by the State against the verdict of acquittal returned by the learned Sessions Judge, the High Court while partly allowing the appeal, though sustained the order of acquittal of the appellant before us under Section 302 of the Indian Penal Code (for short "the IPC"), yet found him guilty under Section 201 IPC for causing disappearance of the evidence and after hearing the appellant on the sentence has imposed rigorous imprisonment of five years. Heard the learned counsel for the parties.

We have been taken through the judgment of the High Court to substantiate the grievance strongly projected for the appellant that not only there was total absence of evidence to find him guilty under Section 201 IPC but there has been no consideration and findings recorded as to the satisfaction or otherwise even of the necessary ingredients to bring home the guilt of the appellant under Section 201 IPC. The learned counsel for the respondent-State despite attempts made to justify the judgment of the High Court in this regard could not successfully answer the grievance made on behalf of the appellant.

On going through the relevant portions of the judgment wherein the High Court has chosen to convict the appellant under Section 201 IPC we find not only conspicuous absence of any concrete materials for indicting the appellant under Section 201 IPC but the necessary ingredients to warrant conviction of the appellant under that provision have not been found to really exist on any objective consideration. On this only ground we set aside the judgment of the High Court holding the appellant guilty of the offence under Section 201 IPC.

Since the courts below have already acquitted the appellant of the main charge under Section 302 IPC, the appellant's bail bonds are discharged. The appeal is allowed on the above terms.

.....J.
(DORAISWAMY RAJU)

.....J.
(S.B. SINHA)

New Delhi,
JANUARY 15, 2004