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Crl.A.No. 1403 OF 1999
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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1403 of 1999@@
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Ali Moosa ..Appellant

Vs.

State of Kerala ..Respondent

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We heard learned counsel for the appellant and also of the respondent - State. The defence adopted the plea based on Section 84 of the Indian Penal Code. An opportunity was granted to the appellant for substantiating the said plea by remanding the case to the trial court. Though the appellant adduced evidence the trial court found that the said evidence is not sufficient to discharge the burden cast on the accused for bringing the case within the ambit of the exception envisaged in Section 84 of the Indian Penal Code. The High Court also examined that question from the said perspective and found that the defence has not succeeded in establishing that the accused committed the act without knowing the nature of it on account of unsoundness of mind.

We do not find any infirmity in the said conclusion reached by the High Court. We, therefore, dismiss this appeal.

.SP1

.....J.@@
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(K.T. THOMAS)@@
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.....J.@@
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(R.P. SETHI)@@
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NEW DELHI@@
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MAY 2, 2001 @@
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Ali Moosa ..Appellant

Date : 02/05/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Appellant Mr. R.C. Kohli,Adv.

For Respondent Mr. KMK Nair,Adv.

UPON being mentioned the Court made the following

O R D E R

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Appeal is dismissed in terms of the signed order.

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(N.K. Goel)
Court Master

(H.K. Bhatia)
Court Master

(Signed order is placed on the file)

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