

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1034 OF 2011

MAJID ... APPELLANT(S)

VERSUS

STATE OF MADHYA PRADESH ...RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. 1328 OF 2011,  
CRIMINAL APPEAL NO. 1250 OF 2011, and  
CRIMINAL APPEAL NO. 1757 OF 2011

O R D E R

Appellants were put on trial for the offence under Section 302/34 and 307/34 of the Indian Penal Code ("IPC" for short) and Section 25 and 27 of the Arms Act. The First Additional Sessions Judge, Dewas, by the judgment and order dated 30.09.2000 passed in Sessions Case No. 79 of 1996 acquitted all the accused persons (appellants herein) of the charges levelled against them. State of Madhya Pradesh, aggrieved by their acquittal, preferred Criminal Appeal No. 175 of 2001 and the High Court by the impugned order has set aside their acquittal under Section 302/34 of the IPC but maintained their acquittal under Section 307/34 of the IPC and Section 25 and 27 of the Arms Act. The appellants aggrieved by their conviction and sentence under Section 302/34 of the IPC have preferred these appeals.

In view of the order which we propose to pass in these appeals, it is inexpedient to give in detail the facts of the case. Suffice it to say that the trial court while acquitting the appellants have assigned various reasons, however, the High Court while setting aside the order of acquittal has not met those reasoning and convicted the appellants. On this ground alone, the impugned order of the High Court cannot be allowed to stand.

It is made clear that we have not expressed any opinion in regard to the merit of the case and the High Court shall consider the same in accordance with law.

In the result, we allow these appeals, set aside the impugned order of the High Court and remit the matter back to it for reconsideration in accordance with law. As the matter is old, we expect the High Court to decide the appeals expeditiously, preferably within a period of six months from the date of receipt of this Order.

.....J.  
(CHANDRAMAULI KR. PRASAD)

.....J.  
(PINAKI CHANDRA GHOSE)

New Delhi;  
February 26, 2014

ITEM NO.101-PH COURT NO.9 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.1034 OF 2011

MAZID Appellant (s)  
VERSUS

STATE OF MADHYA PRADESH Respondent(s)

(With appln(s) for suspension of sentence, permission to file additional documents, exemption from filing O.T. and with office report)

WITH CRL. APPEAL NO.1328 of 2011

CRL. APPEAL NO.1250 of 2011  
(With appln.(s) for stay and permission to file additional documents and exemption from filing O.T. and bail and office report)

CRL. APPEAL NO.1757 of 2011  
(With appln.(s) for stay and bail and exemption from filing O.T. and bail and suspension of sentence and with office report)

Date: 26/02/2014 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. K.T.S. Tulsi, Sr. Adv.  
Crl.A. 1250/11 Dr. Sumant Bharadwaj, Adv.  
Ms. Renuka Jumrani., Adv.  
Ms. Mridula Ray Bharadwaj, Adv.

Crl.A. 1034/11 Ms. Meenakshi Arora, Sr. Adv.  
Mr. Ehtesham Hashmi, Adv.  
Mr. Kaushik Poddar, Adv.

Crl.A. 1757/11 Mr. S. Guru Krishna Kumar, Sr. Adv.  
Mr. Surya Kamal Mishra, Adv.  
Ms. Gulshan Jahan, Adv.  
Mr. Ashok Verma, Adv.  
Mr. Irshad Ahmad, Adv.

Crl.A. 1328/11 Mr. B. K. Satija, Adv.

For Respondent(s) Mr. C.D. Singh, Adv.  
Ms. Sakshi Kakkar, Adv.  
Mr. Anshuman Shrivastava, Adv.

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

The appeals are allowed in terms of the signed order setting

aside the impugned order of the High Court and remitting the matters back to it for reconsideration in accordance with law.

| (S.K. Rakheja)  
| Court Master

| |(Indu Satija)  
| Assistant Registrar

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(Signed order is placed on the file)