

SLP(Crl.)No. 3472 OF 2000
ITEM No.8

Court No. 9

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 3472/2000

(From the judgement and order dated 31/05/2000 in DBCRA 124/2000
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

STATE OF RAJASTHAN

Petitioner (s)

VERSUS

LALA RAM & ORS.

Respondent (s)

Date : 06/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Ranjit Thomas, Adv. for
Mr. Javed M Rao, Adv.

For Respondent (s) Mr. V.J. Francis, Adv.

UPON hearing counsel the Court made the following
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Leave granted.

The appeal is allowed in terms of the signed order and
the impugned order passed by the High Court summarily rejecting
the application for leave is set-aside. The High Court to decide
the appeal on merits in accordance with law.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is place on the file

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 790 OF 2001@@
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(Arising out of SLP(Crl.) No.3472 of 2000)

State of Rajasthan

.... Appellant

VERSUS

Lala Ram & Ors.

....Respondents

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Heard learned counsel for the parties.
Leave granted.

Respondents were acquitted by the Trial Court by judgment and order dated 21-12-1999. Against that order, State filed an application for leave to appeal, which is rejected summarily without assigning any reasons. That order is challenged in this appeal.

From the judgment and order passed by the trial court it is apparent that evidence of the eye-witnesses as well as circumstantial evidence led by the prosecution require to be considered and reappreciated. From the unreasoned order passed by the High Court, it is difficult to arrive at the conclusion whether the High Court has considered the same.

Hence, the appeal is allowed and the impugned order passed by the High Court summarily rejecting the application for leave is set aside. The High Court to decide the appeal on merit in accordance with law.

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.....J.@@
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(M.B. SHAH)@@
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(R.P. SETHI)@@
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New Delhi,
August 6, 2001