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SLP(Crl.)No. 4047-4048/2000

ITEM No.33

Court No. 4

SECTION IIA
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. 4047-4048/2000
(From the judgement and order dated 18/01/2000 in CRLA 2491/99
& CRLR7/99 of The HIGH COURT OF M.P AT JABALPUR)

JANGBALI SINGH & ANR.

Petitioner (s)

VERSUS

STATE OF M.P.

Respondent (s)

(With Appln(s). for c/delay in filing SLPexemption from filing O.T.)
(With Office Report)

Date : 25/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s)

Ms. Neeru Vaid,Adv.

For Respondent (s)

Ms.Vibha Datta Makhija,Adv.for
Mr. Uma Nath Singh,Adv.

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

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Delay condoned.
Leave granted.
The appeals are allowed.

.SP1

(Y.P.Dhamija) (D.D. Jindal)@@
AA
COURT MASTER COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS...../2001@@
EE
(arising out of SLP(CRL) Nos.4047-4048/2000)

Jangbali Singh & Anr. ...Appellants

Vs.

State of Madhya Pradesh ...Respondent

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....J.
.SP2

Delay condoned.
Leave granted.

Heard the learned counsel for the appellants and the counsel appearing for the State of Madhya Pradesh. While issuing notice the Court had indicated that the State should indicate reasons as to why matter should not be remitted to the High Court for re-disposal of the appeal, as it was found that the High Court as the Court of Appeal has not discussed the evidence on record except stating that the reasons indicated by the learned Sessions Judge are appropriate. When an appeal is preferred against a judgment of conviction and sentence, the appellate Court is duty bound to re-appreciate the evidence and form its own conclusion on the reliability of the evidence on which the prosecution case hinges. A bare perusal of the impugned judgment would indicate that the High Court has failed to discharge the same obligation. In the circumstances, we set aside the impugned

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judgment of the High Court and remit the matter to the High Court for re-disposal of the Criminal Appeal in accordance with law. The appeals are accordingly allowed.

.SP1

.....J.
(G.B. PATTANAIAK)

New Delhi,
January 25, 2001

.....J.
(N. SANTOSH HEGDE)