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Cr1.A.No. 642-645 OF 1997

ITEM No.101

Court No. 4

SECTION II

PART-HEARD

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.642-645 OF 1997

STATE OF ASSAM Appellant (s)

VERSUS

GUNARAM TANTI & ORS. Respondent (s)

Date : 24/03/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. VK Siddharthan, Adv. for  
M/s Corporate Law Group, Adv.

For Respondent (s)Mr. Siddharth Luthra, Adv.  
Mr. Vaibhav, Adv. for  
Mr. KL Taneja, Adv.

Mr. PS Khera, Adv.  
Mrs. Chand Sood, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are dismissed in terms of the signed order.

(D.L.Chugh) (Vijay Aggarwal)  
AR-cum-PS Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.642-645 OF 1997

STATE OF ASSAM Appellant(s)

versus

GUNARAM TANTI & ORS.Respondent(s)

O R D E R

State of Assam has questioned legality of the judgments rendered by a majority of Judges directing acquittal of the accused-respondents. Sixty one persons faced trial. Trial court found twenty nine of them to be guilty and awarded death sentence. They preferred appeals and also reference was made by trial court for confirmation of death sentence. One learned Judge of the High Court held that the evidence was not sufficient to fasten the guilt on any of the accused, while the other learned Judge held that the accusations were sufficiently established against three of the present accused-respondents, though he was of the view that instead of death sentence as awarded by the trial court, sentence of life imprisonment would be appropriate.

The matter was referred to a third learned Judge who concurred with the view that all the accused-respondents were entitled to acquittal. In support of the appeal learned counsel for the appellant-State submitted that the accusations, so far as the three respondents Probin Goswami, KC Paul and Guna Ram Tanti are concerned, are clearly established if the evidence of PWs 2 to 6 is analysed, as has been elaborately done by the trial court.

In response, learned counsel for the accused-respondents submitted that two of the Hon'ble Judges have analysed the evidence in great detail and have rightly found that the accusations having not been established, so far as all the accused respondents are concerned. Taking into account the limited nature of the scope of interference with judgment of acquittal, more particularly, when two learned Judges have analysed the evidence to find whether there is anything established against the accused respondents, this Court should not interfere with the order of acquittal.

Having heard learned counsel for the parties, we are of the view that this is not a fit case which calls for our interference under Article 136 of the Constitution of India in view of the well reasoned judgments rendered by two learned Judges of the High Court who have analysed the evidence in its proper perspective to hold that accusations have not been established. Consequently, the appeals are dismissed.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
MARCH 24, 2004