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STATE OF A.P.

v.

SAYYAAD SIRAJ MOHAMMED & ORS.  
(Criminal Appeal No. 1030-1031/2003)

B

APRIL 15, 2009

**[DR. ARIJIT PASAYAT AND ASOK KUMAR  
GANGULY, JJ.]**

*Evidence – Test identification parade – Evidentiary value of – When before test identification parade conducted, witness taken to jail and accused persons shown to him – Held: There is no purpose in holding test identification parade – High Court right rejecting the prosecution case and acquitting the accused – Thus, order of High Court does not call for interference.*

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No.1030-1031 of 2003.

From the Judgment & Order dated 14.04.2002 of the High Court of Judicature of Andhra Pradesh at Hyderabad in Criminal Appeal Nos. 1415 of 1997 and 1698 of 1997.

I. Venkatanarayana, Manoj Saxena, Rajnish Kumar Singh, Rahul Shukla and T.V. George for the Appellant.

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Annam D.N. Rao, D. Bhrathi Reddy for the Respondents.

The Judgment of the Court was delivered by

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**DR. ARIJIT PASAYAT, J. 1.** Having heard learned counsel for the appellant-State and learned counsel for the respondents, we are not inclined to interfere with the order passed by the Andhra Pradesh High Court directing acquittal of the respondents. The High Court has noted that before the test identification parade was conducted on 20.3.1991, the

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STATE OF A.P. v. SAYYAAD SIRAJ MOHAMMED & 261  
ORS. [DR. ARIJIT PASAYAT, J.]

witness (PW1) was taken to the central jail where the accused persons were shown to him. That being so, there was really no purpose in holding test identification parade. The High Court rightly disbelieved the prosecution version and directed acquittal of the respondents. In any event, this is a possible view and therefore no interference is called for. The appeals fail. The bail bonds executed for giving effect to the order of bail dated 13.10.2003 shall stand discharged.

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The appeals are dismissed.

N.J.

Appeals dismissed.

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