

STATE OF U.P.
v.
KAMARUJJAMA @ MALVA AND ORS.

FEBRUARY 25, 2002

[SYED SHAH MOHAMMED QUADRI AND S.N. VARIJAVA, JJ.]

Code of Criminal Procedure, 1973:

Appeal against acquittal—Rejected by High Court by a judgment bereft of reasons—Held, accused was acquitted of charges u/ss. 147, 148 and 302/149 IPC by trial court—High Court should have considered the merits of the case and recorded reasons for its decision—Impugned judgment is bereft of reasons and falls short of the requirements of a speaking order. A confirming judgment need consider the contentions urged before the court and record reasons for agreeing with order under appeal—Judgment and Order of High Court set aside. Case remitted to High Court for fresh disposal—Judgment—Confirming judgment—Requirements of—Indian Penal Code, 1860—Ss. 147, 148, 302/149.

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 289 of 2002.

From the Judgment and Order dated 29.11.99 of the Allahabad High Court in A. No. 361 of 1996.

Y.P. Singh, C. Siddharth and Ajay K. Agrawal for the Appellant.

U.R. Lalit, Ms. Safia Khan, Shakeel Ahmed and Ms. Sandhya Goswami for the Respondents.

The following Order of the Court was delivered :

Leave is granted.

The State of Uttar Pradesh is in appeal against the Judgment of the High Court of Allahabad in Criminal Appeal No. 361/1996 dated November 29, 1999. The impugned Judgment reads as follows:-

“Heard learned A.G.A. and perused the impugned judgment. After

A perusal of the judgment, we do not find any good ground to interfere with the impugned judgment challenged in this appeal. The leave sought is refused, the appeal is accordingly rejected.

B Having heard the learned counsel for the parties and perused the impugned judgment, we are of the view that as the accused was acquitted charges under Sections 147, 148 and 302/149 IPC by the trial court, the High Court in appeal should have considered the merits of the case and recorded the reasons for its decision. The judgment quoted above is bereft or reasons and falls short of the requirements of a speaking order. A confirming judgment need consider the contentions urged before the court and record reasons for agreeing with the order under appeal. We are therefore constrained to set aside the said judgment, restore the appeal to the file of the High Court and remit the case to the High Court for fresh disposal in accordance with law.

C
The appeal is accordingly allowed.

D
R.P.

Appeal allowed.