

Qamruddin

Vs

Acqeel and Others

Criminal Appeal No. 138 of 1980

(P. S. Kailasam, Syed M. Fazal Ali JJ)

25.02.1980

JUDGMENT

FAZAL ALI, J. -

1. This appeal by special leave is directed against an Order of the High Court of Allahabad dated May 9, 1978 allowing the appeal and acquitting the respondents of the charges framed against them.
2. We have gone through the judgment of the Allahabad High Court and have also heard counsel for the parties.
3. The trial court had convicted the accused on a full and complete appraisal of the evidence. The High Court in appeal has written a very cryptic judgment and has not tried to displace some of the important reasons given by the trial court nor has it made any attempt to scan the intrinsic merits of the evidence. We are satisfied that the judgment of the High Court is not in accordance with the law. In these circumstances therefore we allow this appeal and remand the case to the High Court for fresh disposal according to law. The respondents will continue to remain on bail, so long as the appeal is decided by the High Court. It is however open to the appellant to move the High Court for cancellation of the bail if the respondents misuse their privilege. Any observations made by us have been made only for the purpose of this appeal and will not prejudice the decision of the High Court on merits.

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