

Mohd. Akbar Dar and Others

Vs

State of Jammu & Kashmir and Others

Criminal Appeal No. 312 of 1979

(Syed M. Fazal Ali, A. Varadarajan JJ)

28.01.1981

JUDGMENT

FAZAL ALI, J. -

1. This appeal by special leave is directed against a judgment of the Jammu & Kashmir High Court dated May 7, 1979.
2. The main grievance of the appellants is that the High Court erred in law in not fully considering the effect of the documents produced by the prosecution and the statements recorded under Section 161, CrPC before finding that there were sufficient grounds for framing charges against them. A similar criticism was made by the appellants in respect of the judgment of the Special Judge also.
3. We have heard counsel for the appellants and have gone through the judgment of the courts below. Both the trial and the High Court have generally given a brief survey of the evidence sought to be adduced against the appellants. It is true that the High Court has not gone into the details or the pros and cons of the matter. This was obviously because that is not the stage when the Court could enter into meticulous consideration of the evidence and materials. The High Court has clearly observed that after perusing the statement of the witnesses recorded under Section 161, it was unable to find that the charges could be said to be groundless.
4. We do not find any special reason to interfere with the orders of the courts below. Although lengthy arguments were advanced by the counsel for the appellants, we refrain from examining these arguments or going into the details of the matter lest any observation which we make might prejudice either party at the trial. This is not a case which calls for our interference with the order of the Special Judge framing the charges. The appeal fails and is accordingly dismissed.

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