

Rajbir Singh

Vs

Rajbir Singh and Another

Special Leave Petition (Criminal) No. 2479 of 1986

(K. N. Singh, M. P. Thakkar JJ)

15.10.1986

ORDER

1. We are not inclined to interfere in this matter having regard to the peculiar facts and circumstances of the case. Learned counsel for the petitioner has called our attention to certain observations made by the Sessions Court and contended that these observations are likely to create prejudice at the trial. We think that it is now fairly well known that any observations made in the course of interlocutory proceedings are for the limited purpose of those proceedings and the trial court is always free and in fact is expected to decide the matter uninfluenced by any observations regarding appreciation of evidence etc., made by the revisional court for the limited purpose of those proceedings. We have no doubt that the trial court will decide the matter in accordance with law in the light of its own assessment. We also must place on record that the Sessions Court was not right in observing in the facts and circumstances of the case that if Rajbir Singh was one of the persons who had entered the house at 4 O'clock in the night and had run away shortly after making the entry, it would not constitute criminal trespass. Subject to these observations, the special leave petition is dismissed.

Court Master.

</html