

Nawab Ali

Vs

State of Meghalaya and Others

Criminal Appeal No. 473 of 1979

29.03.1988

ORDER

1. This appeal is filed against the judgment of the High Court of Gauhati dated March 8, 1979. The respondents accused were tried by Sessions Judge, Shillong for charges under Section 302 read with Section 34 IPC. The learned Sessions Judge after detailed discussion of the evidence in the case which mainly is retracted confession, and certain circumstantial evidence came to the conclusion that the offence is not established against the accused persons and therefore recorded the acquittal by his judgment dated November 28, 1974. Against this judgment of acquittal an appeal was preferred by the State Of Meghalaya which was initially admitted. On April 7, 1975 it was ultimately dismissed by orders of the High Court dated March 8, 1979, as the State wanted to withdraw the appeal. It is against this order that leave was granted and this appeal is before us. A contention has been advanced that an appeal once having been admitted could not be dismissed for want of prosecution, as the order of High Court indicates.

2. Having gone through the judgment of the Sessions Judge and having heard learned counsel for the parties at length on merits of the matter, it does not appear possible that the judgment of acquittal recorded by the Sessions Court could be interfered with. In these circumstances even if the contention advanced on behalf of the appellant is accepted, ultimately no purpose would be served as there appears to be no reason to differ from the view taken by the Sessions Judge. In this view of the matter and in view of the time that has elapsed as the respondent-accused were acquitted on November 28, 1974 there is no justification for us to go into the legal questions raised by the appellant. In this view of the matter, we see no reason to entertain this appeal. It is, therefore, dismissed.

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