

Lashkari Ram and Others

Vs

Mast Ram Tanta and Another

Criminal Appeal No. 226 of 1983

(G. T. Nanavati, S. P. Kurdukar JJ)

01.09.1998

JUDGMENT

G. T. NANAVATI, J.

1. In this appeal, filed by some of the officers of the Himachal Pradesh Government, what is called in question are the remarks made against them by the High Court, while disposing of Criminal Revision No. 56 of 1982.
2. Respondent 1 Mast Ram Tanta was tried by the Court of Sub-Divisional Magistrate, Theog for certain offences punishable under the Indian Penal Code, 1860 and the Forest Act, 1927. Respondent 1 pleaded guilty and was sentenced to pay fine only. The High Court finding that the sentence imposed upon Respondent 1 was inadequate, in exercise of its suo motu powers, issued notice to him calling him to show cause why the sentence should not be enhanced. During those proceedings the High Court found that the whole trial was conducted in an unholy haste and there was plea bargaining. Therefore, instead of enhancing the sentence it thought it proper to quash the whole trial and remanded the case back to the trial court for conducting the trial afresh. While disposing of the revision application in that manner the High Court made certain observations against the present appellants.
3. Having gone through the judgment, we find that the said observations are part and parcel of the reasoning of the High Court and they have been made while appreciating the evidence on record. Those observations are a part of the reasoning of the High Court. They cannot be expunged because that will amount to removing the very foundation on which the High Court judgment is based.
4. We, therefore, dismiss this appeal.