

**SUPREME COURT OF INDIA**

State of U.P.

Vs.

Kamarujjama @ Malva

Crl.A.No.289 of 2002

(Syed Shah Mohammed Quadri and S.N. Variava JJ.)

25.02.2002

**ORDER**

**Syed Shah Mohammed Quadri, J.**

1. Leave is granted.

2. The State of Uttar Pradesh is in appeal against the Judgment of the High Court of Allahabad in Criminal Appeal No. 361/1996 dated November 29, 1999. The impugned Judgment reads as follows:-

"Heard learned A.G.A. and perused the impugned judgment. After perusal of the judgment, we do not find any good ground to interfere with the impugned judgment challenged in this appeal. The leave sought is refused, the appeal is accordingly rejected."

3. Having heard the learned counsel for the parties and perused the impugned judgment, we are of the view that as the accused was acquitted charges under Sections 147, 148 & 302/149 IPC by the trial court, the High Court in appeal should have considered the merits of the case and recorded the reasons for its decision. The judgment quoted above is bereft of reasons and falls short of the requirements of a speaking order. A confirming judgment need consider the contentions urged before the court and record reasons for agreeing with the order under appeal. We are therefore constrained to set aside the said judgment, restore the appeal to the file of the High Court and remit the case to the High Court for fresh disposal in accordance with law.

The appeal is accordingly allowed.

Appeal allowed.