

SUPREME COURT OF INDIA

Haroj Ali Khan

Vs.

Jahangir Ali Khan

Crl.A.No.790 of 2008

(S.B. Sinha and Lokeshwar Singh Panta JJ.)

02.05.2008

ORDER

1. Leave granted. Having heard the learned counsel for the parties, we are of the opinion that the High Court having failed to assign sufficient or cogent reasons for interfering with the judgment of conviction and sentence passed as against the accused Amjad Ali Khan, Sk. Harun, Hafizul Sk. and Jahagir Ali Khan under Section 302/149 of the *Indian Penal Code*, whereas convicting Mokram Sikari @ Kalu under Section 302 of IPC and at the same time setting aside the conviction and sentence of Sk. Harun and Mokram Sikari @ Kalu under Sectin 324/149 IPC, and recording a judgment of acquittal as against the accused Sk. Harun, Amzad Ali Khan, whereas convicting Mokram @ Kalu under Section 302, and at the same time acquitting him from other charges; the impugned judgment cannot be sustained and it is set aside accordingly. The matter is remitted to the High Court for consideration thereof afresh. We would request the High Court to consider the desirability of disposing of the matter as expeditiously as possible. The respondents in criminal appeal arising out of S.L.P.(Crl.) No. 4200/2007 shall continue to remain on bail. The appeals are disposed of with the aforementioned observation and direction.