

CASE NO.:
Appeal (crl.) 790 of 2008

PETITIONER:
HARAJ ALI KHAN

RESPONDENT:
JAHANGIR ALI KHAN AND ORS.

DATE OF JUDGMENT: 02/05/2008

BENCH:
S.B. SINHA & LOKESHWAR SINGH PANTA

JUDGMENT:
JUDGMENT

[Arising out of SLP(Crl.) No. 4200/2007]

WITH

CRIMINAL APPEAL NO. 857 OF 2008
[Arising out of SLP(Crl.) No. 2255/2007]
MOKRAM SIKARI @ KALO

...
APPELLANT(S)
:VERSUS:
STATE OF WEST BENGAL

...
RESPONDENT(S)

CRIMINAL APPEAL NO. 858 OF 2008
[Arising out of SLP(Crl.) No. 4120/2007]
HARAJ ALI KHAN

...
APPELLANT(S)
:VERSUS:

HARUN AND ORS.

...
RESPONDENT(S)

O R D E R

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,

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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 Section 324/149 IPC, and recording a judgment of acquittal as against the accused Sk. Harun, Amjad 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.

JUDIS