

PETITIONER:
LASHKARI RAM & ORS

Vs.

RESPONDENT:
MAST RAM TANTA & ANR.

DATE OF JUDGMENT: 01/09/1998

BENCH:
G.T.NANAVATI, S.P.KURDUKAR

ACT:

HEADNOTE:

JUDGMENT:
JUDGMENT
NANAVATI. J.

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. 56/82.

Respondent No.1 Mast Ram Tanta was tried by the Court of Sub-Divisional Magistrate, Theog for certain offences punishable under the Indian Penal Code and the Forest Act. Respondent No. 1 pleaded guilty and was sentenced to pay fine only. The High Court finding that the sentence imposed upon Respondent No. 1 was inadequate, in exercise of its sub moto 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.

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.

We, therefore, dismiss this appeal.