

2009(5) SCR 260

STATE OF A.P.

v.

SAYYAAD SIRAJ MOHAMMED & ORS.

(Criminal Appeal No. 1030-1031/2003)

APRIL 15, 2009

[DR. ARIJIT PASAYAT AND ASOK KUMAR GANGULY, JJ.]

The Judgment of the Court was delivered by

DR. ARIJIT PASAYAT, J. 1. Having heard learned counsel for the appellant-State and learned counsel for the respondents, we are not inclined to interfere with the order passed by the Andhra Pradesh High Court directing acquittal of the respondents. The High Court has noted that before the test identification parade was conducted on 20.3.1991, the witness (PW1) was taken to the central jail where the accused persons were shown to him. That being so, there was really no purpose in holding test identification parade. The High Court rightly disbelieved the prosecution version and directed acquittal of the respondents. In any event, this is a possible view and therefore no interference is called for. The appeals fail. The bail bonds executed for giving effect to the order of bail dated 13.10.2003 shall stand discharged.

The appeals are dismissed.