

MUBARIK KHAN
v.
NABABKHA @ NAWAB AND ORS.
(Criminal Appeal No. 612 of 2002)

OCTOBER 1, 2008
DR. ARIJIT PASAYAT, DR. MUKUNDAKAM SHARMA, JJ.

The Judgment of the Court was delivered by

DR. ARIJIT PASAYAT, J. 1. Having heard learned counsel for the appellant at length we are not satisfied that this is a case where any interference is called for. The High Court has found that the evidence of PW5, who was stated to be the sole eye-witness, unreliable. Apart from that there is considerable delay in dispatch of the first information report to the court. Though in all cases that may not be the determinative factor, but when considered with other aspects that assumes importance. The High Court has dealt with this aspect in detail. The view taken by the High Court is a possible view and therefore considering the parametres relating to cases where judgment of acquittal is assailed, we do not consider this to be fit case for interference.

2. The appeal is dismissed.

Criminal Appeal No. 1105/2002:

3. In view of the dismissal of Criminal Appeal No. 612/2002, this appeal is also dismissed.