

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 818 OF 2013

[ARISING OUT OF SLP (CRL.) NO. 1300 OF 2013]

Majjal

...

APPELLANT

Versus

State of Haryana

...

RESPONDENT

ORDER

1. Leave granted.

2. This appeal, by grant of special leave, is directed against the judgment and order dated 14/2/2012 passed by the High Court of Punjab and Haryana at Chandigarh dismissing Criminal Appeal No.920-DB of 2009 filed by the appellant.

3. Briefly stated the prosecution case is that the complainant – Ramjani (PW-4) made a complaint with police station Punhana against the appellant and others. It was alleged in the complaint that during the night intervening 30/10/1995 and 31/10/1995 the appellant along with his sons namely Harun, Rajak, Khurshid and Bhati and other persons arrived at the house of Deen Dar with common object to kidnap Farida daughter of Deen Dar. The appellant and his associates were armed with guns and country made pistols. They tried to take away Farida on which she raised cries. Consequently Abdul Karim son of Deen Dar, Lal Khan(PW-3) and Khurshid sons of Rojdar, Deen Dar son of Chand Khan and Roshni arrived at the house of Deen Dar along with the complainant and tried to rescue Farida. At that time the appellant fired a shot at Lal Khan, Harun fired a shot at Abdul Karim and Khurshid fired a shot at Deen Dar. Injuries were caused to Roshni with lathis. Thereafter Mehboob son of Rojdar came. He was abducted by the appellant and his son Khurshid. Abdul

Karim expired at the spot due to firearm injury. Deen Dar also got injured. Thereafter, the assailants fled away from the scene of occurrence.

3. On the basis of the information given by PW-4, FIR No.277 was registered under Sections 148, 149, 302, 307, 364, 323, 120B of IPC and Section 25 of Arms Act against the appellant and investigation commenced. On completion of investigation, charge-sheet was filed against the appellant. The appellant pleaded not guilty to the charges and claimed to be tried. The prosecution, in support of its case, examined as many as 16 witnesses (PW-1 to PW-16). The prosecution exhibited 29 documents (Exhibits P1 to P29) in evidence. No defence evidence was adduced.

4. Upon perusal of the evidence, the trial court convicted the appellant under Section 302 read with Section 149 of the IPC and sentenced him to imprisonment for life and to pay a fine of Rs. 10,000/-, in default, to further undergo simple imprisonment for a period of 3 months. The appellant was

directed to pay Rs. 25,000/- as compensation to injured Lal Khan. As already stated, the appeal preferred by the appellant was dismissed by the High Court. Hence, this appeal by special leave.

5. We have heard Shri Dushyant Parashar, learned counsel for the appellant as well as Shri Narender Hooda, Sr. Assistant Advocate General for the State.

6. In this case what strikes us is the cryptic nature of the High Court's observations on the merits of the case. The High Court has set out the facts in detail. It has mentioned the names and numbers of the prosecution witnesses. Particulars of all documents produced in the court along with their exhibit numbers have been mentioned. Gist of the trial court's observations and findings are set out in a long paragraph. Then there is a reference to the arguments advanced by the counsel. Thereafter, without any proper analysis of the evidence almost in a summary way the High Court has dismissed the appeal. The High Court's cryptic

reasoning is contained in two short paragraphs. We find such disposal of a criminal appeal by the High Court particularly in a case involving charge under Section 302 of the IPC where the accused is sentenced to life imprisonment unsatisfactory. It was necessary for the High Court to consider whether the trial court's assessment of the evidence and its opinion that the appellant must be convicted deserve to be confirmed. This exercise is necessary because the personal liberty of an accused is curtailed because of the conviction. The High Court must state its reasons why it is accepting the evidence on record. The High Court's concurrence with the trial court's view would be acceptable only if it is supported by reasons. In such appeals it is a court of first appeal. Reasons cannot be cryptic. By this, we do not mean that the High Court is expected to write an unduly long treatise. The judgment may be short but must reflect proper application of mind to vital evidence and important submissions which go to the root of the matter. Since this exercise is not conducted by

the High Court, the appeal deserves to be remanded for a fresh hearing after setting aside the impugned order.

7. Hence, we set aside the impugned judgment and order dated 14/2/2012 and remand the appeal to the High Court. We request the High Court to hear the appeal afresh and deliver judgment in light of our above observations as expeditiously as possible as the appellant is in jail and he is stated to be 84 years of age. We make it clear that we have not considered the merits of the case. The appeal shall be disposed of independently and on merits.

8. The appeal is disposed of in the aforesaid terms.

JUDGMENTJ.
(G.S. SINGHVI)

.....J.
(RANJANA PRAKASH DESAI)

.....J.
(SHARAD ARVIND BOBDE)

NEW DELHI,
July 2, 2013.