

(1980) 11 SC CK 0030

In the Supreme Court Of India

Case No : Special Leave Petition (Cr.I) No. 1620 of 1980

Alijan Nanhe Pehalwan Qureshi

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 10-11-1980

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : AIR 1981 SC 645 : (1981) CriLJ 163 : (1981) 1 SCC 415 : (1981) SCC(Cri) 164 : (1981) 1 SCR 1194 : (1981) 13 UJ 340(1)

Hon'ble Judges : V. R. Krishna Iyer, J;A. D. Koshal, J

Bench : Division Bench

Advocate : Pramod Swarup, for the Appellant; M.C. Bhandre and M.N. Shroff, for the Respondent

Final Decision : Dismissed

Judgement

V.R. Krishna Iyer, J.—We were not happy at the disposal by the High Court of a case u/s 302, I.P.C. without a speaking order. After all in so serious a crime as murder, where so severe a sentence as life imprisonment has been inflicted by the trial court and the appeal is as of right, the High Court must indicate in reasoned judgment that it has applied its mind to the material questions of fact and law. A judgment may be brief but not a blank, especially in a situation such as this. For this reason we should have straightway set aside the judgment of the High Court and sent it back for fresh hearing, but under Article 136 where justice is the paramount consideration we wanted to reduce the delay in the proceedings since there is a sentence of life imprisonment on the petitioner so we directed that the original record be sent for so that counsel on both sides may have the opportunity to peruse the entire case records and make submissions to us as if we were hearing the appeal in the regular course. Counsel have had that facility and have made submissions after perusal of the materials. After a brief hearing counsel for the petitioner was unable to demonstrate that the trial court's judgment was vitiated by any flaw in appreciation of evidence or assessment of

probabilities. We, therefore, dismiss the SLP after satisfying ourselves that natural justice has had its full play. Dismissed.