

---

**(2001) 03 SC CK 0034**

**In the Supreme Court Of India**

**Case No :** Criminal Appeal No. 396 of 2001 (Arising out of SLP (Criminal) No. 4049 of 2000)

Mohd. Shahid

APPELLANT

Vs

State of Madhya Pradesh

RESPONDENT

---

**Date of Decision :** 30-03-2001

**Acts Referred:**

Indian Penal Code, 1860 — — Section 302

**Citation :** (2001) AIRSCW 2539 : (2002) 142 ELT 283 : (2001) 9 JT 37 : (2001) 8 SCALE 326 : (2002) 10 SCC 754 : (2001) 5 Supreme 436

**Hon'ble Judges :** U. C. Banerjee, J;G. B. Pattanaik, J

**Bench :** Division Bench

**Final Decision :** Disposed Off

---

## Judgement

1. Delay condoned.

2. Leave granted.

3. This appeal is directed against the judgment of the Division Bench of Madhya Pradesh High Court disposing of a criminal appeal and affirming the conviction and sentence recorded by the Sessions Judge. The appellant stood charged under S. 302 for having given knife blow on the abdomen and chest of the deceased. There were as many as 4 eye-witnesses, P.Ws. 5, 8, 10 and 11. The learned Sessions Judge relying upon the evidence convicted the accused-appellant under S. 302 and sentenced him to imprisonment for life. On an appeal being carried, the appellate authority, instead of examining and reappreciating the evidence of all these eye-witnesses, disposed of the matter by holding that it is not necessary to give detailed reasons as the Court agrees with the conclusion of the trial Judge in convicting and sentencing the accused-appellant. This, in our view, cannot be held to be a consideration of the evidence by an appellate Court in a criminal appeal. We, therefore, set aside the impugned judgment and sentence and remit the criminal appeal to the High Court for redisposal in accordance with law. The appeal being an old one, the High Court would do well

in disposing of the same at an early date.

4. The appeal is disposed of accordingly.