

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE MS. JUSTICE J.UMA DEVI**

CRIMINAL APPEAL No.337 of 2011

JUDGMENT: (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, the State has challenged the judgment dated 17-08-2009 passed in S.C.No.534 of 2003, whereby respondents/accused Nos 6 to 12 have been acquitted from the charges framed against them.

Learned Public Prosecutor appearing on behalf of the State submits that there were total (15) accused in the present case. Out of them, two were juvenile and one accused died during trial. Therefore, finally twelve (12) accused faced the trial. Accused Nos 1 to 5 were convicted for the offence punishable under Section 302 IPC and accused Nos 6 to 12 were acquitted. Therefore, the present appeal is filed.

Learned Public Prosecutor further submits that Accused Nos 1 to 5 filed the appeals in Crl.A.Nos 939, 102 and 1221 of 2009 respectively and the same were allowed vide common judgment dated 30-03-2010 by this Court and acquitted the accused Nos 1 to 5. Thus in the present appeal only accused Nos 6 to 12 were left, since accused Nos 1 to 5 who were convicted by the trial Court

based on the evidence and said accused have been acquitted by this Court vide common judgment dated 30-03-2010. Therefore, accused Nos 6 to 12 who were already acquitted by the trial Court cannot be convicted based upon the same evidence, which has been rejected by this Court vide order dated 30-03-2010.

In view of the above, we find no ground to interfere with the acquittal order passed against the respondents/accused Nos 6 to 12.

Consequently, the appeal filed by the State is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.



SURESH KUMAR KAIT, J

J.UMA DEVI, J

27-03-2018
Nvl