

# **Naba Parray And Ors. vs State Of Jammu & Kashmir on 4 January, 1982**

**Equivalent citations: AIR1982SC1200, 1982CRILJ1576**

**Author: O. Chinnappa Reddy**

**Bench: O. Chinnappa Reddy, A.P. Sen, Baharul Islam**

## **JUDGMENT**

O. Chinnappa Reddy, J.

1. We are unable to sustain the judgment of the High Court setting aside the order of acquittal passed by the, trial Court. The evidence of the prosecution witnesses has not been discussed at all nor has the case against each of the individual accused been considered. The conviction is under Section 148, I.P.C. There is not even a finding about the common object of the unlawful assembly. The learned Judges of the High Court have themselves noticed that the accused had not been examined under Section 342 of the Jammu & Kashmir Criminal P. C. In the face of these infirmities it is impossible to uphold the judgment of the High Court. In the ordinary course we should have remanded the matter back to the High Court for fresh disposal of the appeal. But having regard to the passage of time and the fact that the injuries caused to the complainant are of a simple nature, we do not think it is worthwhile doing so. The appellants are acquitted and their bail bonds are cancelled.