

Alijan Nanhe Pehalwan Qureshi vs State Of Maharashtra on 10 November, 1980

Equivalent citations: 1981 AIR 645, 1981 SCR (1)1194, AIR 1981 SUPREME COURT 645, (1981) CHANDCRIC 28 1981 UJ(SC) 340, 1981 UJ(SC) 340

Author: V.R. Krishnaiyer

Bench: V.R. Krishnaiyer, A.D. Koshal

PETITIONER:

ALIJAN NANHE PEHALWAN QURESHI

Vs.

RESPONDENT:

STATE OF MAHARASHTRA

DATE OF JUDGMENT10/11/1980

BENCH:

KRISHNAIYER, V.R.

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KRISHNAIYER, V.R.

KOSHAL, A.D.

CITATION:

1981 AIR 645 1981 SCR (1)1194

1981 SCC (1) 415

ACT:

Procedure-High Court's judgment-In cases where severe sentence had been inflicted by the trial court. High Court must give a reasoned judgment

HEADNOTE:

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 a 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. [1194 F-G]

JUDGMENT :

CRIMINAL APPELLATE JURISDICTION: Special Leave Petition (Crl.) No. 1620 of 1980.

From the Judgment and order dated 13-11-1979 of the Bombay High Court in Criminal Appeal No 1310 of 1979.

Pramod Swarup for the Petitioner.

M. C. Bhandare and M. N. Shroff for the Respondent. The order of the Court was delivered by KRISHNA IYER J.-We were not happy at the disposal by the High Court of a case under 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 a 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 straightaway 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 Special Leave Petition after satisfying ourselves that natural justice has had its full play. Dismissed.

P.B.R.

Petition dismissed.