

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.688 OF 2017  
(@ SPECIAL LEAVE PETITION (CRL.)NO. 4990 OF 2016)

NAKFURU SK. . . APPELLANT(S)

VERSUS

STATE OF WEST BENGAL . . . RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties. The appellant is aggrieved by his conviction and sentence recorded by the courts below.

The case of the prosecution is that on 02.02.1994 at 7.30/8.00 p.m. Naimul Sheikh P.W.-1 along with deceased Haidar were assaulted by Reajudddin Nakfuru and Sairuddin Mondal with their weapons as a result of which the deceased Haider died. The appellant and co-accused Lalu were helping them by lighting torch. It is undisputed that special leave petitions of Reajudddin and Sairuddin have already been dismissed.

However, sharing of common intention by the appellant and co-accused Lalu is not free from doubt in the facts and circumstances of the present case. They are entitled to benefit of doubt. It is stated that the appellant has already served 10 years in custody.

In view of above, we allow this appeal and acquit the appellant- Nakfuru SK as well as co-accused Lalu who has not preferred appeal before this Court. They be set at liberty if not required in any other case..

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI  
10TH APRIL, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.53

COURT NO.13

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4990/2016  
(Arising out of impugned final judgment and order dated 15/10/2015  
in CRA No. 318/2007 passed by the High Court Of Calcutta)

NAKFURU SK.

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned  
order and interim relief and office report)

Date : 10/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Subhasish Bhowmick, Adv.  
Mr. A.K. Mishra, Adv.  
Ms. Goldy Goyal, Adv.  
Mr. Avijnan Biswas, Adv.

For Respondent(s) Mr. Chanchal Kumar Ganguli, Adv.  
Ms. Narmada, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed  
order.

Pending application(s), if any, shall also  
stand disposed of.

(Madhu Bala)  
Court Master  
(Signed order is placed on the file)

(Veena Khera)  
Court Master