

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 733 OF 2020
(Arising out of SLP (CrI.) No. 3469/2020)

EPPIN @ EDWARD & ORS.

Appellant(s)

VERSUS

STATE REP. BY INSPECTOR OF POLICE & ANR.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 734 OF 2020
(Arising out of SLP (CrI.) No. 3522/2020)

O R D E R

Leave granted.

We have heard Mr. S. Nagamuthu, learned Senior Advocate appearing for the appellants and Mr. Yogesh Kanna, learned Advocate appearing for the respondent-State at great length. We have also perused the judgment dated 31.01.2011 passed by the learned Additional Sessions Judge as well as the impugned judgment dated 05.06.2020 by the Madurai Bench of the Madras High Court.

The first thing that strikes us is the detailed consideration given to the case by the judgment of the learned Additional Sessions Judge in which several reasons have been given for acquitting all the accused. The High Court does not state that this view is not even a plausible view. On the contrary, the High Court substitutes its own view *al beit* incorrectly. For example, when we see the 16 persons who have been sentenced, having been

convicted under Section 307 read with 149 IPC, we find that different accused are given 4 years; 1 year; 1 month respectively, but there is absolutely no reason for clubbing of these accused separately for such sentencing procedure. We are, therefore, clearly of the view that the Additional Sessions Judge's judgment acquitting all the accused is not just a plausible view but the correct view in the facts of the present case.

This being so, we set aside the impugned judgment of the High Court and restore that of the Additional Sessions Judge.

Accordingly, the appeals are allowed. The appellants are directed to be released forthwith.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(NAVIN SINHA)

..... J.
(KRISHNA MURARI)

New Delhi;
November 04, 2020.

