

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.688 OF 2020
(Arising out of S.L.P.(Criminal) No.4525 of 2020)

CHANDRABHAN SINGH ... APPELLANT(S)

VS.

THE STATE OF RAJASTHAN ... RESPONDENT(S)

O R D E R

Leave granted.

None has appeared for the respondent-State even though service has been effected on the State and the Standing Counsel. Learned counsel appeared for the complainant and has assisted us.

Notice was issued on a limited aspect i.e. that the impugned order is only a recitation of the evidence without appreciation of the same for purposes of re-affirming conviction in appeal.

We would like to say that the First Appeal in criminal matter requires the court to form his opinion on the basis of the evidence on record and the opinion of the Trial Court. A perusal of the impugned order shows that the facts have been set out followed by what each witness has deposed. Thereafter, all that is stated is as under:

"In view of the above, we find that the prosecution has been successful in proving guilt of the accused-appellant, by adducing cogent and reliable evidence, beyond all reasonable doubt.

Hence, from the circumstances brought on record by the prosecution, the guilt of the accused-appellant with regard to the commission of crime in question stands duly established."

The aforesaid is followed by dismissal of the appeal.

We are of the view that this can hardly meet the requirements of law for considering the First Appeal in criminal matters and thus, have no option but to set aside the impugned order and remit the matter back for consideration by the High Court on merits as a First Appeal in a Section 302 case of the I.P.C. in accordance with law.

The appeal is accordingly allowed leaving parties to bear their own costs.

The Nominal Roll shows the appellant has been in actual custody for about eight and a half years.

In view of the aforesaid and in view of the facts set out in the order aforesaid, we grant bail to the appellant on terms and conditions to the satisfaction of the trial Court.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[DINESH MAHESHWARI]

.....J.
[HRISHIKESH ROY]

New Delhi;
October 16, 2020.

