

D.B. CRIMINAL LEAVE TO APPEAL NO.36/2009

DATE OF ORDER : 30.04.2009

HON'BLE MR. JUSTICE A.M. KAPADIA
HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. K.R. Bishnoi, Public Prosecutor.

Heard learned Public Prosecutor and perused the impugned judgment as well as the set of evidence supplied by him during the course of arguments.

It appears that the learned trial Judge has rightly observed that on account of compromise between the parties, the witnesses have turned hostile and the evidence of last seen is also not reliable and the case is based on no evidence, therefore, the learned trial court has rightly acquitted the accused respondent.

In view of the above, no interference is warranted with the impugned judgment of acquittal passed by the learned trial court.

Accordingly, this Leave to Appeal is rejected.

(DEO NARAYAN THANVI), J.

(A.M. KAPADIA), J.

ms rathore