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Motilal Vs. State

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SooperKanoon Citation : sooperkanoon.com/498913

Court : Madhya Pradesh

Decided On : Nov-16-1955

Reported in : 1956CriLJ1000

Judge : Nevaskar and ;Samvatsar, JJ.

Appellant : Motilal

Respondent : State

Judgement :

Samvatsar, J.

1. On 17-9-1953 there was a dacoity in the villages Mahudiya and Nanukheda and property worth Rs. 11,832 belonging to about five persons was looted by the dacoits. The petitioners and one Jagartnathpuri now acquitted, were suspected to be the culprits and were put up for trial.

2. At the end of the trial Jagannathpuri was convicted under Section 395 and sentenced to suffer rigorous imprisonment for seven years whereas the petitioners were convicted under Section 395 read with Section 397, I.P.C. and sentenced to transportation for life by the Additional Sessions Judge, Dewas.

3. The convicted persons appealed to the High Court. The appeal was allowed in so far as it related to the accused Jagannathpuri and he was acquitted of the

charge levelled against him. The appeal was dismissed as regards the present petitioners. They have therefore applied for a certificate that this is a fit case for appeal to the Supreme Court.

4. All the points raised in appeal were put forward as grounds in support of this petition. It was stated by the learned Counsel who appeared for the petitioners that this Court had erred in holding that there were in fact only two dacoities when five persons had lost their property. It was also urged that this Court had not properly appreciated the prosecution evidence dealing with the identification of the stolen property and the identification of the persons who had participated in the dacoity.

5. The present case is neither covered by the provisions of Clauses (a) and (b) to Article 134 of the Constitution and it is Clause (c) under which the present? petition is pressed. The principles governing the grant of a certificate that the case is a fit one for further appeal to the Supreme Court are now well settled. It is only where the case involves a substantial question of law, or where there has been an infringement of the essential principles of justice, or the matter is one which is otherwise of great public importance that the Court should grant a certificate that the case is fit one for appeal to the Supreme Court. None of those considerations exist in the present case. There are also no exceptional or special circumstances which would justify us in granting a certificate that this is a fit case for further appeal.

6. The result is that we do not think that this is a fit case for granting the certificate prayed for by the petitioners,

7. The petition is therefore dismissed.

Nevaskar, J.

8. I agree.

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