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(ii) s. 53 – Revisional jurisdiction of High Court – Order of trial court rejecting the claim of applicant that he was a juvenile on the date of commission of the offence – Set aside by High Court – Held: The age of applicant was a question of fact, which

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(2) ss. 4 and 23(1A) r/w. s. 30(1)(b) – Land acquired – Claim for compensation – High Court relying on its previous judgment, awarded compensation @ Rs. 39,300/- per bigha and denied benefit u/s. 23(1A) – In another case in respect of identical land, High Court had awarded compensation @ Rs. 3.45 lacs per bigha, which was scaled down to Rs. 76,550/- per bigha by Supreme Court – Held: Claimants are entitled to the compensation u/s. 23(1-A) r/w. s. 30(1)(b),

since the award had not been made on or before 30.04.1982 – In view of the judgment in the case of identical land, compensation @ Rs. 39,300/- not justified – However, the compensation is scaled down by deducting 10% of the rate of Rs. 76,550/- considering the fact that the lands have been already developed into plots.

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(2) s.302 – Conviction of appellant for killing his parents-in-law, on the basis of circumstantial evidence – Held: Circumstances of the case did not point out towards the guilt of appellant, without any other inference being probable – Evidence of PWs suggested that appellant was on visiting terms with his parents-in-law, thus enmity cannot be relied upon as an incriminating circumstance – Blood stains on clothes of appellant of no consequence since clothes of appellant or deceased persons were never sent to Forensic Science Laboratory – Mere presence of appellant in the village also not an incriminating circumstance, particularly, when he was on visiting terms with his parents-in-law – Appellant entitled to get benefit of doubt and is acquitted – Evidence – Circumstantial evidence – Appreciation of.

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(3) s.302 – Conviction under, on the basis of evidence of eye witnesses – Justification of – Held: On facts, not justified – Entire prosecution case rested upon the Parcha Bayan lodged by

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(4) s.302 – Death of victim caused by bomb, firing a pistol and cutting his neck – Out of four accused, one absconding – Conviction by trial court of two of the accused – Death sentence awarded – Death reference declined by High Court and appeal of accused also dismissed – Held: Two courts below having found the accused guilty, there is no reason to interfere with the findings of fact recorded – Medical jurisprudence.

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(7) ss. 302/149 and ss.307/149 – Eight persons involved in causing death of one of the victims and injuring the other by gunshot – Conviction by trial court – High Court convicting only one accused who fired the shots and acquitting others giving them benefit of doubt – Plea that since the High Court itself had opined false implication of other persons who had not caused injuries, accused should also be acquitted – Held: Merely because some of the accused who had not caused any injuries to the deceased or the witnesses have been given benefit of doubt would not mean that they were not present – The manner and time of attack indicate that it could not be made by one or two persons – In any case, High Court has, by

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THE

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