

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.4111 OF 2024
(@ SLP(CRL.) No.6160/2024)

SUNITA TIWARI

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The respondent No.2 has been charged for the offence punishable under Section 304-A, 417, 465, 468 of the Indian Penal Code, 1860 (for short, 'the IPC'). The case against respondent No.2 in a nutshell is that apart from causing the medical negligence, he also committed offences punishable under Sections 417, 465, 468 of the IPC. To come to the said conclusion, reliance has been placed on the inquiry report conducted in pursuant to the direction issued by Chief Medical Officer, by a Committee constituted by two doctors.
3. The High Court in the impugned judgment, was pleased to set aside the proceedings on the premise that in the absence of any adequate material, no case of negligence is made out.
4. We are of the view that the report of the Committee has not

been taken into consideration in the correct perspective. It is no doubt that the report does not completely indict the respondent No.2. Suffice it is to state that the High Court ought not to have conducted a mini-trial in quashing the entire proceeding especially in the light of the inquiry report, though it can be considered as a piece of evidence not to be appreciated by the High Court.

5. However, we find that insofar as offence committed under Section 304-A IPC is concerned, there is no material to implicate the respondent No.2. In such view of the matter, the judgment of the High Court, quashing the proceeding under Section 304-A IPC against respondent No.2, stands confirmed. The appeal is allowed in part. We make it clear that we have not expressed anything on merits of the case. We request the Trial Court to make the endeavour to complete the trial expeditiously, preferably within a period of one year.
6. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
30th SEPTEMBER, 2024

ITEM NO.58

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 6160/2024

(Arising out of impugned final judgment and order dated 22-12-2023 in MCRC No. 34597/2022 passed by the High Court of M.P. Principal Seat at Jabalpur)

SUNITA TIWARI

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

Date : 30-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Amit Shukla, Adv.
Mr. Varun Punia, AOR
Ms. Neha Shukla, Adv.
Mr. Deva Singh Shukla, Adv.
Ms. Kumudini Shukla, Adv.
Mr. Amit Kumar, Adv.
Mr. Ashish Verma, Adv.
Mr. Atul Mishra, Adv.
Mr. Rahul Ranjan, Adv.

For Respondent(s) Ms. Mrinal Gopal Elker, AOR
Mr. Abhimanyu Singh-G.A., Adv.
Mr. Baij Nath Patel, Adv.
Ms. Shruti Verma, Adv.

Mr. Sidharth Agarwal, Sr. Adv.
Ms. Arushi Singh, Adv.
Ms. Prachi Jauhri, Adv.
Ms. Shruti Verma, Adv.
Mr. Nikhil Jain, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in part in terms of the signed
order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)