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SLP(Crl.)No. 385 OF 2000
ITEM No.22

Court No. 11

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 385/2000

(From the judgement and order dated 30/11/1999 in CMWP 7111/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

IMARAN

Respondent (s)

(With Appln(s). for stay)
With
SLP(Crl.)No.2093/2000

(With appln.for exem. from filing OT and office report)

Date : 11/02/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N.PHUKAN
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. Praveen Swarup,adv.for
Mr. Pramod Swarup,Adv.

For Respondent (s) Mr. H.S.Tak,adv.
Mr. Ajit Kumar Pande, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

Leave granted.
The appeals are disposed of.

.SP1

(Suman Wadhwa)
Court Master

(S.Malkani)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 226 OF 2002 @@
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(Arising out of SLP(Crl.)NO.385 of 2000)

State of U.P. & Ors. ... Appellants

vs.

Imaran ... Respondent

WITH

CRIMINAL APPEAL NO. 227 OF 2002@@
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(Arising out of SLP(Crl.)No. 2093 of 2000)

ORDER@@
CCCCC

.....L.....I....T.....T.....T.....T.....T.....T.....T.J
.SP2

Leave granted.

By this common order, we dispose of both the appeals as the question of law involved is the same.

Heard learned counsel for the parities.

The District Magistrate of Jhansi issued show cause notices under Sec.3(1) of the Uttar Pradesh Contract of Goondas Act, 1970 (for short 'the Act') against the two appellants. In the show cause notices, allegations were made against the appellants. Being aggrieved, they approached the High Court and by the impugned judgments, the notices were quashed. The High Court, inter alia, held that both the appellants who are students would not come under the purview of the Act.

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At the stage of the show cause, the High Court ought not to have interfered with the proceeding initiated by the District Magistrate. The show cause notices were not punitive one and the appellants were only asked to give explanation for the allegations made against them. That apart, any order passed by the District Magistrate under Sec.3 of the Act is appealable under Sec.6 of the Act.

We are, therefore, unable to sustain the judgments of the High Court and, accordingly, we quash the same. The appellants shall show cause within a period of one month and the District Magistrate shall pass appropriate orders after hearing the appellants or their counsel. If any order is passed against the appellants, it shall not be given effect to for the period of one month to enable the appellants to approach the appropriate forum to file appeal or take other appropriate legal action.

The appeals are, accordingly, disposed of.

.SP1
.....J.
(S.N.PHUKAN)

New Delhi;
February 11, 2001.

.....J.
(P.VENKATARAMA REDDI)