

B
SLP(Crl.)... 1762 OF 2001

ITEM No.32

Court No. 5

SECTION II

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.).../2001

(From the judgement and order dated 31/08/2000 in 132/99
of The HIGH COURT OF J & K AT JAMMU)

SURINDER DOGRA

Petitioner (s)

VERSUS

STATE OF JAMMU & KASHMIR

Respondent (s)

(With Crl.M.P. No 1762/2001 for c/delay in filing SLP)

Date : 12/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Subhash Sharma,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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.SP2

Delay condoned.

The petitioner seems to be worried about the observation made by the High Court that petitioner is a public servant. Learned counsel submits that this observation will stand against the petitioner and forestall his right to prove that he is not a public servant. We make it clear that the said observation was made when the petitioner disputed at the threshold itself that he is not a public servant. It is open to the petitioner to prove in the trial court that he is not a public servant. In other words the said observation will not prejudice his right to prove otherwise. With these observations we dispose of this SLP.

.SP1

Hemalatha

(HK Bhatia)
Court Master