

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(s).1052/2005

(From the judgement and order dated 28/10/2004 in CRLMA No. 11375/2004 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

JYOTI GUPTA & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,stay and office report)

Date: 18/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Ms.Kirti Singh, Adv.

Ms. Anitha Shenoy,Adv.

Mr.Sanjay Ghose, Adv.

For Respondent(s)

R-2

In-Person.

For State of U.P.

Mr. Sahdev Singh, Adv.

Mr. Javed Mahmud Rao ,Adv

Mr. S.A. Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal stands allowed in terms of the signed order.

(J.S. Rawat)

(Kanwal

Singh)

AR-cum-PS

Court M

aster

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 975 OF 2006
(Arising out of SLP(Cr1) No. 1052 of 2005)

Jyoti Gupta & Anr.

Appellant(s)

Versus

State of U.P. & Ors.

Respondent(s)

O R D E R

Leave granted.

Aggrieved against the order passed by the Additional Sessions Judge, Bulandshahar framing charges against the accused-respondents, the accused respondents approached the High Court by filing a petition under Section 482 of the Code of Criminal Procedure (Cr.P.C.) for quashing the charge-sheet.

The High Court noticing the submissions made by the counsel

appearing for the respondents (petitioners in the High Court) but, without recording any reasons has set aside the order passed by the Additional Sessions Judge framing the charges.

The present appeal has been filed by the complainant alleging that the High Court has set aside the order framing of charges without recording any reasons therefor.

Learned counsel appearing for the State of U.P. supports the submission made by the counsel for the appellant.

Respondent No.2, who appears in person, states that he may be allowed to make submissions on behalf of other accused i.e. respondent nos. 3 to 5 as well. We have heard him at length.

We find that the High Court has not even noticed the submissions advanced on behalf of the State. In view of the settled law that an order can be reversed only after recording reasons for such reversal. The impugned judgment being bereft of any reasons, cannot be sustained in law. Hence, the same is set aside and the case is remitted back to the High Court for a fresh decision in accordance with law.

The appeal stands allowed accordingly.

In view of the fact that the proceedings before the trial court have been stayed, we would request Hon'ble the Chief Justice of the High Court to place the matter for early hearing and disposal.

.J.

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(ASHOK BHAN)

New Delhi;
..J.
September 18, 2006.

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(MARKANDEY KATJU)