

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO. 1177 OF 2003

USHA MISHRA

Appellant (s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

Date: 29/05/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE DR. JUSTICE B.S. CHAUHAN
(vacation Bench)

For Appellant(s) Mr. Vimal Chandra S. Dave, Adv. (NP)

For Respondent(s) Mr. Garvesh Kabra, Adv.
Mr. Shirish Kr. Mishra, Adv.
Mr. S.K. Dwivedi, Adv.

Mr. Manoj Prasad, Adv.

Mr. Jatinder Kumar Bhatia, Adv

UPON hearing counsel the Court made the following
ORDER

The appeal is dismissed.

[Usha Bhardwaj]
Court Master

[Shashi Bala Vij]
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1177 OF 2003

Usha Mishra

...Appellant

Versus

State of U.P. & Anr.

...Respondents

ORDER

Counsel for the respondent-State states that the issue which is raised in this appeal has been rendered infructuous in view of the fact that the trial was concluded and an order of acquittal was passed on 11th December, 2003.

In view of the aforesaid position, it is submitted that the appeal has been rendered infructuous.

None appears on behalf of the appellant when the matter is called out for hearing. We accept the submissions of the counsel appearing for the State of U.P. who has informed us that this fact was also conveyed to the counsel appearing for the appellant.

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The appeal is accordingly dismissed as infructuous. However, the question of law as involved in this case is left open to be decided in an appropriate case.

There shall be no order as to costs.

.....J.
[Dr. Mukundakam Sharma]

.....J.
[Dr. B.S. Chauhan]

New Delhi,
May 29, 2009