

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1738 OF 2009

STATE OF M.P.

Appellant(s)

VERSUS

MOHANLAL @ MOHAN

Respondent(s)

O R D E R

We have heard learned counsel appearing for the parties at length.

It appears that the High Court has acquitted the respondent holding that there is "something wrong" with the person and on such ground released him.

We have noticed that the High Court at that point of time has not considered Chapter XXV of the Code of Criminal Procedure, 1973 and came to such a conclusion. In doing so, it also escaped from the mind of the High Court the provision with regard to Section 335 of the Code of Criminal Procedure, 1973.

Accordingly, we feel it will be proper for us to set aside the order passed by the High Court and remand the same back to the High Court with a request to deal with the matter afresh expeditiously after taking into account Chapter XXV of the Code of Criminal Procedure, 1973.

The criminal appeal is disposed of in the above terms.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(UDAY UMESH LALIT)

New Delhi;
April 06, 2015.

ITEM NO.101

COURT NO.12

SECTION IIA

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

Criminal Appeal No(s). 1738/2009

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VERSUS

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(with appln. (s) for exemption from filing O.T. and office report)

Date : 06/04/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Naveen Sharma, Adv.
Mr. Mishra Saurabh, AOR

For Respondent(s) Ms. Nidhi, AOR

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

The Criminal Appeal is disposed of in terms of the signed
order.

(R.NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)