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SLP(Crl.)No. 673 OF 2001

ITEM No.3

Court No. 5

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. 673/2001

(From the judgement and order dated 31/01/2001 in WP 758/00
of The HIGH COURT OF U.P AT LUCKNOW)

KUSUM RAI & ANR.

Petitioner (s)

VERSUS

ADDL. CITY MAGISTRATE-I, LUCKNOW & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for stay/exemption from filing c/c of the impugned Judgment)
(For Final Disposal)

Date : 27/03/2001 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s) Mr. AK Ganguly, Sr. Adv.
Mr. Prateek Jalan, Adv.
Mr. V. Krishna Murthy, Adv.

For Respondent (s) Mr. Kapil Sibal, Sr. Adv.
No4 Mr. B.B. Singh, Adv.
Mr. Kumar Rajesh Singh, Adv.
Ms. Sangeeta Sharma, Adv.

RR Nos.2,3,5,6 Mr. Jaspal Singh, Sr. Adv.
Mr. Vishwajit Singh, Adv.
Mr. AS Pundir, Adv.

UPON hearing counsel the Court made the following

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Mr. AK Ganguly, learned senior counsel after addressing arguments for sometime suggested that petitioners would be advised to go back to the Magistrate who passed orders under Section 145 of the Code of Criminal Procedure as well as the subsequent orders
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passed by him for the purpose of obtaining relief which the petitioners are entitled to. In view of the said course of action which learned senior counsel proposes to

adopt he requests for permission to withdraw this SLP. It is accordingly dismissed as withdrawn. We make it clear that the impugned order of the High Court will regain its validity and force. In other words the direction in the impugned order that "status quo ante (as it existed after attachment was in fact effected in compliance of order dated 18.3.2000 and before the possession was given to the petitioners, on the basis of the interim order dated 25.3.2000 passed by the learned single judge (PC Verma, J.) shall be restored within ten days and the property in question shall continue to be under attachment till some other orders are passed by the learned Magistrate or by any other competent court or authority " will go into effect immediately. All authorities concerned are bound to implement the said direction forthwith.

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Hemalatha

(HK Bhatia)
Court Master