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SLP(Crl.)No. 1028 OF 2001  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 886 of 2001@@  
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE  
(Arising out of S.L.P. (Crl.) 1028 of 2001)

State of U.P. ..Appellant

Vs.

Pratap Singh & Anr. ..Respondents

O R D E R@@  
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.

After hearing both sides we are of the considered opinion that the High Court should have entertained the appeal on merits for the purpose of re-appreciating or re-evaluating the evidence and to reach independent findings on the contested issues. We, therefore, set aside the impugned order. The leave applied for by the State against the acquittal would stand granted. As a corollary, that appeal before the High Court has become regularised. It is for the High Court to dispose of the appeal on merits.

This appeal is disposed of in the above terms.

.SP1

.....J.@@  
BB  
(K.T. THOMAS)@@  
BB

.....J.@@  
BB  
(S.N. VARIAVA)@@  
BB

NEW DELHI@@

SEPTEMBER 3, 2001 @@  
BB

.PA  
ITEM No.33 Court No. 4 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

(From the judgement and order dated 14/02/2000 in GA 2062/96  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

PRATAP SINGH & ANR.  
( With Appln(s). for exemption from filing O.T. )

Respondent (s)

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. A.S. Pundir, Adv.

For Respondent (s)

Mr. Anis Ahmed Khan, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.

.SP2

Leave granted.

Appeal is disposed of in terms of the signed order.

.SP1

(N.K. Goel)  
Court Master

(H.K. Bhatia)  
Court Master

(Signed order is placed on the file)