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SLP(Crl.)No. 926 OF 2001

ITEM No.47

Court No.10

SECTION IIA
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. 926/2001

(From the judgement and order dated 27/11/2000 in CRLOP 13963/99
of The HIGH COURT OF MADRAS)

TIRUCHIRAPALLI CO-OP.WHOLESALE STORE LTD

Petitioner (s)

VERSUS

KALIDOSS & ORS.

Respondent (s)

(With Office Report)

Date : 23/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. V.J. Francis,Adv.

For Respondent (s)

Mr. B. Mohan,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.

In view of the judgment of this Court in Anil Hada@@
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vs. Indian Acrylic Ltd. 2000 (1) SCC 1, the appeal is@@
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allowed and the impugned order is set aside. It would be
open to the respondents-accused to raise other contentions
before the trial court and the trial court would decide the
same in accordance with law.

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(Vijay Kumar Sharma)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRL. APPELLATE JURISDICTION

CRL. APPEAL NO. 738 OF 2001@@
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(Arising out of SLP (Cr1)No.926/2001)

TIRUCHIRAPALLI CO-OP.WHOLESALE STORE LTD. Appellant

Versus

KALIDOSS & ORS. Respondents

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....J.....
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Leave granted.

Heard the learned counsel for the parties.

In our view, the impugned order passed by the High Court holding that complaint was not maintainable as the company was not joined as accused in the proceedings is erroneous in view of the judgment rendered by this Court in Anil Hada vs. Indian Acrylic Ltd., 2000 (1) SCC 1.@@

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Hence the appeal is allowed, impugned order is set aside. However, it is made clear that it would be open to the respondents-accused to raise other contentions before the trial court and the trial court would decide the same in accordance with law.

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.....J.
(M.B. Shah)

.....J.
(R.P. Sethi)

New Delhi,
July 23,2001