

\226

SLP(Cr1.)No. 1231 OF 2003
ITEM No.38

Court No. 6

SECTION IIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Cr1.) No. 1231/2003
(From the judgement and order dated 25/09/2002 in CRLM 755/95
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AJAY UBEROI & ANR.

Petitioner (s)

VERSUS

STATE OF HARYANA

Respondent (s)

(With Appln(s). for stay & Office Report)

Date : 08/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)

Mr. Lakshmi Raman Singh,Adv.

For Respondent (s)M/s DP Singh,VK Garg,
Avneet Toor,Advs.

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

Heard the learned counsel for the parties for a few minutes.
Leave granted.

The appeal is allowed in terms of the signed order.

[Naresh Kumar] [VP Tyagi]
AR-cum-PS Court Master

[Signed order is placed on the file.]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2003
[Arising out of SLP(Cr) 1231/2003]

Ajay Uberoi & Anr.

...
APPELLANT (S)

VERSUS

The State of Haryana

...

RESPONDENT (S)

O R D E R

Leave granted.

The High Court seems to have dismissed Crl.Misc.No.755-M/1995 on the assumption that the charges were framed by the trial court on 30th February, 1996. In terms of the order dated 22nd August, 1995 passed in the said petition proceedings before the lower court had been stayed. It does not appear that charges have been framed either on 30th February or on any other date by the trial court. It is so averred by the appellants and not disputed by the respondent-State. In fact learned counsel appearing for respondent-State submits that because of this infirmity the impugned order may be set aside and Crl.Misc.No.755-M/1995 restored to the file of the High Court to be decided afresh in accordance with law.

In view of the aforesaid, we set aside the impugned order, allow the appeal and restore Crl.Misc.No.755-M/1995 to the file of the High Court. It would be open to the parties to file additional affidavit/documents before the High Court. The said petition may be disposed of expeditiously and as far as possible within a period of three months from today.

The order dated 22nd August, 1995 passed by the High Court granting stay of proceedings will continue till decision of the Crl.Misc.No.755-M/1995 by the High Court.

.....J.
(Y.K. SABHARWAL)

.....J.
(B.N. AGRAWAL)
New Delhi,
September 08, 2003.