

SLP(Crl.)No. 1236-1237/1999
ITEM No.2(PH)

Court No. 5

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 (Crl.) No. 1236-1237/1999

(From the judgement and order dated 02/09/1997 in CRMA 1630/96&
3981/97 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

STATE OF GUJARAT & ANR

Petitioner (s)

VERSUS

G.MANSUKHLAL RACCH & ANR
(With Appln(s). for c/delay in filing SLP)
(For Final Disposal)
(With Office Report)
(For further hearing)

Respondent (s)

Date : 18/01/2001 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s) Mr. Adhyaru Yashank P.,Sr.Adv.
Ms. Sunita Hazarika,adv.
Ms. Hemantika Wahi,Adv.
Ms. Anu Sawhney,Adv.

For Respondent (s) Mr. Ramesh P. Bhat,Sr.Adv.
Mr. M.N. Shroff,Adv.

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

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

.SP2

Delay condoned.
Leave granted.
Appeals are disposed of.

.SP1

(Suman Wadhwa)
PA to Addl.Regr.

(H.K.Bhatia)
Court Master

Signed order is placed on the file.

.PA
.PL55

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 88-89 OF 2001 @@

State of Gujarat & Anr. ... Appellants

vs.

G.Mansukhlal Racch & Anr. ... Respondents

ORDER@@
CCCCC

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

Leave granted.

When the respondents received summons from a trial court on taking cognizance of offences under Sections 406, 407 read with Sec.114 I.P.C. etc. They approached the High Court under Sec.482 of Cr.P.C. A learned single judge of the High Court quashed the complaint and the proceedings initiated thereon by the trial court. It is the said order of the High Court which the State of Gujarat has challenged in these appeals. As we heard arguments at length learned counsel for the respondents took instructions from the respondents and submitted that if the respondent would be free to raise all the contentions in the trial court he would be withdrawing the criminal miscellaneous application No. 1630 of 1996 filed before the High Court. In view of this submission we order that the

-2-

said criminal miscellaneous application filed in the High Court would stand withdrawn by the party who filed it. Consequently, we order the impugned judgment as having been erased. The trial court will proceed with the trial as though no observation has been made by the High Court in respect of any of the contentions raised by the respondent. This action is without prejudice to the right of the respondent to raise any contentions as they choose, before the trial court, at the appropriate stage. If any such contention is raised the same will be dealt with by the trial court in accordance with law. These appeals are disposed of accordingly.

.SP1

.....J.
(K.T. Thomas)

New Delhi;
January 18,2001.

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