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SLP(Crl.)No. 1175 OF 2003
ITEM No.41

Court No. 4

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. 1175/2003

(From the judgement and order dated 02/12/2002 in CRLM 9353/02
of The HIGH COURT OF PATNA)

RAJINDERA SINGH @ GAJENDRA SINGH

Petitioner (s)

VERSUS

STATE OF BIHAR AND ANR.

Respondent (s)

(With Appln(s). for exemption from filing O.T.and urging addl. grounds)
(With Office Report)

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

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE B.P. SINGH

For Petitioner (s)Mr. Rakesh Garg,Adv.
Ms. Shweta Garg,Adv.

Mr.Khwairakpam Nobin Singh,Adv.

For Respondent (s)

Mr. B.B. Singh,Adv.

Mr. Akhilesh Kumar Pandey,Adv.

Mr. Ashok Kr. Pandey,Adv.

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

Leave granted. The appeal is disposed of in terms of the signed
order.

(Ganga Thakur) (Prem Prakash)
PS to Registrar Court Master

Signed oder is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1118 OF 2003
(Arising out of SLP(Crl.) No.1175/2003)

Rajindera Singh @ Gajendra Singh .. Appellant(s)

-Versus-

State of Bihar & Anr. .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

Being aggrieved by an order of the High Court of Judicature at Patna refusing to grant possession of the disputed tractor, this appeal is preferred by the appellant seeking release of the vehicle in his favour. In the course of the arguments, respondent No.2 has pointed out that he has made a fresh application before the Chief Judicial Magistrate, Bettiah for the release of the tractor in his favour. We are also told that the trial in the court of the Chief Judicial Magistrate, Bettiah has proceeded to some extent. Therefore, it will be appropriate to direct the learned C.J.M. to dispose of the application of the second respondent, after hearing the appellant herein, and pass appropriate orders on merits in regard to release of the vehicle in question be it in favour of appellant or respondent.

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This will be in spite of the fact whether the trial is progressing, because we think keeping the tractor in the Police Station will not be in the interest of either party.

With the above observation, the appeal is disposed of.

.....J.
(N. SANTOSH HEGDE)

.....J.
(B. P. SINGH)

NEW DELHI,
SEPTEMBER 8, 2003.