

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1859-1860 OF 2014
(Arising out of Special Leave Petition (Crl.)Nos. 8235-8236 OF 2014

Rajendraprasad Guruprasad Pandey

Appellant

Versus

Smita H. Bhoir & Anr.

Respondents

ORDER

Leave granted.

The appellant is aggrieved by order dated 7.3.2012 passed by the
Bombay High Court.

The respondents have been served as far back as in January,
2014. However, they have neither appeared in-person nor through a
Lawyer. Hence, we proceed with the matter.

On 16.9.2013, limited notice was issued by this Court for the
purpose of considering whether the matter should be remitted to the
High Court in view of the fact that the appellant had deposited the
cheque amounts as well as the fine amount in the Trial Court. As per
order dated 1.8.2007 of the Trial Court in C.C. No. 2643/SS/2005
and C.C. No. 2681/SS/2005, the appellant was directed to deposit
fine amount of Rs. 46,000/- and Rs. 1,78,000/- respectively. We are
informed by learned counsel for the appellant that the appellant has
Signature Not Verified

Digitally signed by
Vishal Anand
Date: 2014.09.02
18:00:43 IST

deposited the amounts as directed in trial court. The said amount
Reason:

comes to total amount of Rs. 2,24,000/- (Rupees Two Lakhs Twenty
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Four Thousand only). We are informed by learned counsel for the
appellant that the respondent has already withdrawn the money
deposited in the Trial Court.

Learned counsel for the appellant pointed out that the revisions
need to be remitted to the High Court because neither he nor his
counsel was present in the Court on the date of hearing and the High
Court decided the matters in his absence.

In the circumstances of the case and considering the fact that even though notice was served on the respondents, they have not cared to appear before this court, we deem it appropriate to remit the matter to the High Court.

Hence, we set aside the impugned order of the Bombay High Court, restore the Criminal Revision Application Nos. 623 and 628 of 2009 and remit them to the High Court. We request the High Court to re-hear the parties and decide the Criminal Revision Applications afresh.

The Criminal Appeals are disposed of in the afore-stated terms.

.....J
(RANJANA PRAKASH DESAI)

.....J
(N. V. RAMANA)

NEW
AUGUST 27, 2014.

DELHI;

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ITEM NO.8

COURT NO.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal Nos. 1859-1860 of 2014
(@ Special Leave to Appeal (Crl.) No(s). 8235-8236/2013)

(Arising out of impugned final judgment and order dated 07/03/2012 in CRLRA No. 623/2009 and CRLRA No. 628/2009 passed by the High Court of Bombay)

RAJENDRAPRASAD GURUPRASAD PANDEY

Petitioner(s)

VERSUS

SMITA H. BHOIR & ANR.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned order and placing addl. Facts and documents on record and office report)

Date: 27/08/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s)

Mr. Sanjay Jain ,Adv.

For Respondent(s)

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

Leave granted.

The Criminal Appeals are disposed of in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(INDU POKHRIYAL)
COURT MASTER

(Signed Order is placed on the file)