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SLP(Crl.)No. 1523 OF 2001
ITEM No.39

Court No. 9

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. 1523/2001

(From the judgement and order dated 13/09/2000 in CRLM 7248/98
of The HIGH COURT OF PATNA AT RANCHI)

R.C. MISTRY

Petitioner (s)

VERSUS

SAROJ KUMARI @ SAROJ KUMAR & ORS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP & exemption from filing
O.T. & With Office Report)

Date : 24/09/2001 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. MP Jha, Adv.
Mr. Ram Ekbal Roy, Adv. for
Mr. Anil K. Chopra, Adv.

For Respondent (s) Mr. HL Tikku, Adv.
Mr. Ashok K. Mahajan, Adv.

Mr. Saket Singh, Adv. for
Mr. B.B. Singh, Adv.

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

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Delay condoned.
Leave granted.
Heard the learned counsel for the parties.
The appeal is allowed in terms of the signed order.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2001@@
CC
(Arising out of SLP(Crl) No.1523 of 2001)

R.C. Mistry 0 Appellant

VERSUS

Saroj Kumari @ Saroj Kumar & Ors.Respondents

O R D E R@@
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Delay condoned.
Leave granted.
Heard the learned counsel for the parties.

It is apparent that the impugned order passed by the High Court, on the face of it, is erroneous and illegal. At this stage, the High Court ought not to have interfered under Section 482 of the Code of Criminal Procedure and quashed the criminal proceedings. Allegations against the respondents are for offence punishable under Sections 420/379/120-B of IPC. It was alleged that respondents have removed the hypothecated goods from the factory without the knowledge of the complainant. The allegations made by the complainant and the contentions of the respondents cannot be dealt with or decided without trial. It is to be noted that the High Court relied upon its earlier decision in Ranjit Prasad Singh@@
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vs. State of Bihar which is set aside by this Court by order@@
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dated 5-4-1999 in Criminal Appeal No.379 of 1999. Hence, this appeal is allowed and the impugned order passed by the High Court is quashed and set aside. The trial court to proceed with the matter in accordance with law.

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(M.B. SHAH)@@
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.....J.@@
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(R.P. SETHI)@@
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New Delhi,
September 24, 2001