

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NOS. 978-979 OF 2001

Mathura Singh & Ors.

Appellant(s)

Versus

State of U.P.

Respondent(s)

Date: 29/05/2007 This matter was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE D.K. JAIN
[VACATION BENCH]

For Appellant(s) Ms. Anita Sahani, Adv.for
Ms. Purnima Bhat, Adv.

For Respondent(s) Mr. Pramod Swarup, Adv.
Mr. Sahdev Singh, Adv.
Mr. Anuvrat Sharma, Adv.
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Sanjay Kumar Singh, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeals are allowed in terms of the signed order.

(J.S. Rawat)
A.R.-cum-P.S.

(Vijay Aggarwal)
Court Master

[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NOS. 978-979 OF 2001

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ORDER

Heard.

It appears from the records that the Criminal Appeal was disposed of ex parte. Though an application to recall the order was filed, same was styled as one under Section 482 of the Code of Criminal Procedure (for short "Code"). The High Court rightly observed that Section 482 of the Code has no relevance in such a case. Be that as it may, the position is crystal clear that the Criminal Appeal was disposed of ex parte, in the absence of learned counsel for the

appellants. Though appellants indicated reasons for non-appearance, same was not considered relevant. That being so, we set aside the impugned judgment of the High Court and the order passed on the application for recalling the judgment and remit the matter to the High Court for a fresh disposal on merits, in accordance with law.

We make it clear that we have not expressed any opinion on the merits of the case.

As the matter is pending since long, we request the High Court to explore the possibility for early disposal of the Criminal Appeal, preferably within six months from the date of receipt of this order.

The appeals are allowed accordingly.

.....J.
(Dr. ARIJIT PASAYAT)

New Delhi;
May 29, 2007.

.....J.
(D.K. JAIN)