

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

CrI.M.P. No. 6385 of 2010 In
Petition(s) for Special Leave to Appeal (CrI) No(s).1151/2008

(From the judgement and order dated 31/01/2008 in
1695/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CMWP No.

ASIF & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for clarification/modification of court's order
WITH SLP(CrI) NO. 7046 of 2008

Date: 23/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr.Anand,Adv.
 Mr.Anurag Singh,Adv.
 Mr. C. Balakrishna,Adv.

 Mr. Arvind Kumar Gupta

For Respondent(s) Mr.Prahant Choudhary,Adv.
 Mr.Mukul Singh, Adv.
 Mr. Praveen Swarup,Adv.

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

Taken on Board.

By this Application, the applicant seeks
modification/clarification of our order dated 11.2.2010 on the
ground that the Trial Court has misinterpreted the scope of the
order.

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The grievance of the petitioner is that after the
aforementioned Special Leave Petition was disposed of by order
dated 11.2.2010, on the basis of the statement made by counsel
for the State that in the chargesheet filed in the said case,
only one of the petitioners in the Special Leave Petition namely,
Ghulam Rasool had been prosecuted, the learned Trial Court has
construed that order to mean that this court has directed further
investigation against the other accused. In support learned
counsel has invited our attention to the order passed by the
Trial Court on 5th March, 2010. The relevant portion of the said
order is as follows:

"Since the stay has been vacated qua the
remaining accused by the Hon'ble Supreme Court
hence the copy of this order be sent to the C.O.
of the said area to investigate the case against
the remaining accused in terms of the order of

the Hon'ble Supreme Court. A copy of this order and the order of the Hon'ble Supreme Court be sent to the concerned Police officer of Bhadohi".(Emphasis added)

Having heard learned counsel for the contesting parties, we clarify that in our order dated 11.2.2010 there is no direction whether or not any further investigation is required to be carried out in criminal case No. Crime No.69 of 2008, registered as Case No.1784 of 2008. It is for the Trial Court to take an independent decision in this regard in accordance with law, uninfluenced by the disposal of the aforementioned Special Leave Petition.

The application stands disposed of in the above terms.

(KUSUM SYAL)
SR.P.A

(PUSHP LATA BHARDWAJ)
COURT MASTER