

SLP(Crl.)No. 7211 OF 2001

ITEM No.33

Court No. 8

SECTION II  
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. 7211/2001

(From the judgement and order dated 19/10/2000 in CRLR 42/2000  
of The HIGH COURT OF DELHI AT N. DELHI)

MADAN LAL KAPOOR

Petitioner (s)

VERSUS

RAJIV THAPAR & ORS.

Respondent (s)

( With Appln(s). for for c/delay in refiling SLP )

Date : 22/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s)

Mr. Shree Pal Singh, Adv.

For Respondent (s)

Mr.A.K.Ganguli, Sr.Adv.  
Mr.B.S.Jain, Adv.  
Mr. Shankar Divate, Adv.  
Mr.Ajay Veer Singh, Adv.  
Mr.Rajeev Agrawal, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

Delay condoned.

Leave granted.

The appeal disposed of in terms of the signed  
order.

.SP1

(K.K. Chawla)  
Court Master

(D.D. Jindal)  
Assistant Registrar

[Signed order is placed on the file]

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.PL54

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2002@@  
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(ARISING OUT OF SLP (CRIMINAL) NO.7211 OF 2001)

MADAN LAL KAPOOR

APPELLANT

VERSUS

RAJIV THAPAR & ORS.

RESPONDENTS

O R D E R@@  
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.SP2

Delay condoned.  
Leave granted.

Upon hearing the submissions made on behalf of the parties and on consideration of the facts, we do feel it appropriate to record that the order as passed by the High Court cannot be sustained, more so, by reason of the fact that there is a total lack of reasons in the order. The effort of Mr. Ganguli, learned senior counsel appearing for the respondents, that the reasons obviously are available in the learned Sessions Judge's order, however, is not acceptable. The High Court ought to apply its mind independently and pass a reasoned order.

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On the wake of the aforesaid, the order under challenge stands set aside and the matter is remitted back to the High Court for being dealt with appropriately. Since the matter has been pending for quite some time, the High Court would do well to dispose of the matter with utmost expedition. The appeal is disposed of accordingly.

.SP1

.....J.  
(U.C. Banerjee)

New Delhi,  
February 22, 2002.

.....J.  
(Y.K. Sabharwal)