

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(s).1178/2011

(From the judgement and order dated 02/02/2011 in CRLMA No. 381/2011 of The HIGH COURT OF U.P. BENCH AT LUCKNOW)

SHASHI GUPTA

Petitioner(s)

VERSUS

STATE OF U.P.& ANR

Respondent(s)

(With appln(s) for stay and vacation of ex-parte stay and office report)

Date: 14/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Ms. Kamini Jaiswal, Adv.
Mr. Nirmal Kr. Ambastha, Adv.
Mr. Nirnimesh Dube, Adv.

For Respondent(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Jetendra Singh, Adv.
Mr. Varinder Kumar Sharma, Adv.

Mr. Ardhendumauli Kumar Prasad, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

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

Leave granted.

The Appeal is allowed.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 712 OF 2011
(arising out of S.L.P. (Crl) No(s).1178/2011)

SHASHI GUPTA

Appellant(s)

VERSUS

STATE OF U.P.& ANR.

Respondent(s)

O R D E R

Leave granted.

This Appeal has been filed against the impugned judgment of the High Court of Judicature at Allahabad, Lucknow Bench, dated 02.02.2011 passed in Criminal Misc.

Application No. 381 of 2011.

The facts have been given in the impugned judgment and hence we are not repeating the same here, except wherever necessary.

It appears that respondent No. 2 herein is facing trial in a murder case. The appellant herein is the complainant being the widow of the deceased. It appears that respondent No. 2 has been delaying the trial repeatedly. As many as 29 petitions have been filed by respondent No. 2 for transfer, quashing, etc. and, as informed, a fresh petition is pending in the High Court.

Already the cross-examination of the complainant by the

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accused has been done and it runs into 72 pages. Thus, the

application filed before the High Court by respondent No. 2

to take the sample of voice and photographs of the face and

body of the complainant (appellant herein) for seeking expert opinion is nothing but an attempt to delay the proceedings and hold up the trial and hence, in our opinion, it is mala fide.

In the result, we set aside the impugned judgment of the High Court and direct that the trial be completed expeditiously. The Appeal is allowed.

.....J.
(MARKANDEY KATJU)

.....j.
(GYAN SUDHA MISRA)

NEW DELHI;
MARCH 14, 2011.

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