

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. 1787/2001

(From the judgement and order dated 25/02/2000 in CRLMA 2166/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHARDA DEVI

Petitioner (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

(With Appln(s). for deletion of the name of respondent No.3 and
Office Report) (for final disposal)

Date : 12/07/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s)

Mr.Praveen Swarup,Adv.,
Mr.Vikrant Yadav,Adv.,
Mr.Pawan Kumar,Adv.

For Respondent (s)

Mr.Syed Naqvi,Adv.for
Mr.P. Parmeswaran,Adv.

Mr.Sushil Kumar,Sr.Adv.,
Mr.Manoj Prasad,Adv.
Mr.K.K. Srivastava,Mr.V.P. Gupta,Advs.and
Ms.Sangeeta Sharma,Adv.

Mr.Anil K. Pandey,Adv.for
Mr.A.S. Pundir,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Application for deleting the name of respondent NO.3
from the array of the parties is granted.

Leave granted.

Heard the learned counsel for the parties.

Appeal is allowed, impugned judgment and order dated
25.2.2000 passed by the High Court of Allahabad in
Crl.Misc.Appeal No.2166/99 is set aside. The Court is
directed to complete the trial within six months from today
as the offence has taken place in the year 1994.

(Vijay Kumar Sharma)
Court Master

(Janki Bhatia)
Court Master

Signed order is placed on the file.

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CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.660 OF 2002
(Arising out of SLP (Crl.) No.1787 of 2001)

Sharda Devi

& Appellant

Versus

State of U.P. & Ors.

& Respondents

O R D E R

Application for deleting the name of respondent No.3 from the array of the parties is granted.

Leave granted.

Heard the learned counsel for the parties.

High Court directed for fresh investigation by quashing the charge-sheet submitted by the Investigating Officer solely on the ground that it was alleged by the accused that Rs.1 lac was not paid by him and, therefore, charge-sheet was submitted. In our view, such allegations are not sufficient for quashing the charge-sheet. Charge-sheet depends upon the material collected by the Investigating Officer. In any case, if there is no material collected by the investigating agency, Court may not frame the charge. In such circumstances, it is always open to the accused to point out that there is no material connecting the accused with the crime. In this view of the matter, there was no justifiable reason for the Learned Judge to quash the charge-sheet for the offences punishable under Section 302 read with 34 IPC.

In the result, appeal is allowed. Impugned judgment and order dated 25th February, 2000 passed by the High Court of Allahabad in Crl. Misc. Appeal No.2166 of 1999 is set aside. The Court is directed to complete the trial within six months from today as the offence has taken place in the year 1994.

.& & & & & & & & ..& & ..J.
(M.B. Shah)

& & ..& & & & & & & & & J.
(Bisheshwar Prasad Singh)

New Delhi;
July 12, 2002.