

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).1742/2005

(From the judgement and order dated 09/02/2005 in Revision No. 548/2005 of The  
HIGH COURT OF JUDICATURE AT ALLAHABAD)

TRILOKI NATH AGARWAL

Petitioner(s)

VERSUS

SHARDUL VIKRAM GUPTA & ANR.

Respondent(s)

(With appln(s) for vacating stay and office report)

Date: 27/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. Rabin Majumdar, Adv.

Mr. C. Balakrishna, Adv.

For Respondent(s)

Mr. P.K. Jain, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal is allowed.

(Parveen Kr. Chawla)

Court Master

[Signed Order is placed on the File]

(Kanwal Singh)

Court Master

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1225 OF 2006

(Arising out of SLP(Crl.) No. 1742/2005)

Triloki Nath Agarwal

..Appellant

Versus

Shardul Vikram Gupta & Anr.

..Respondents

O R D E R

Leave granted.

Appellant filed a petition under Sections 500, 501 I.P.C. in the Court

of CJM, Jhansi in the year 1994. Against the order rejecting the prayer of

the respondent No.1 to exempt from personal appearance, respondent No.1

filed a revision petition in the High Court and the High Court on 9.2.2005

has stayed the further proceedings in criminal case No. 1848 of 2004 filed by

the appellant under Sections 500, 501 I.P.C, which is impugned before us.

The case is pending for trial for the last twelve years and, in our view, the High Court was not justified in passing the aforesaid order staying the further proceedings. Accordingly, this appeal is accepted, the impugned order staying the further proceedings in criminal case No. 1848 of 2004 is set aside and the trial Court is directed to proceed with the matter and dispose it of as expeditiously as possible and preferably within a period of six months from today. Trial Court is also directed to send a report to this Court after concluding the matter.

The Appeal is allowed in the above terms.

.....J.

[ASHOK BHAN]

.....J.

[DALVEER BHANDARI]

NEW DELHI;

NOVEMBER 27, 2006.