

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).1181/2007

(From the judgement and order dated 19/01/2007 in CRLM No. 77660/2006 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RESHAM SINGH @ BITTOO

Petitioner(s)

VERSUS

STATE OF PUNJAB TR.SEC.HOME

Respondent(s)

(With office report)

Date: 16/07/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)Mr. Shiv Mangal Sharma,Adv.
Ms. Sharmila Upadhyay,Adv.

For Respondent(s)Mr. Seeraj Bagga,Adv.
Mr. Kuldip Singh,Adv.

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

Leave granted.
Heard the learned counsel for the parties.
The appeal is disposed of with observations and directions as contained in the signed order.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 907 OF 2007
[Arising out of SLP(Crl.) No.1181/2007]

RESHAM SINGH @ BITTOO

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APPELLANT(S)

:VERSUS:

STATE OF PUNJAB THROUGH SECRETARY, HOME

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RESPONDENT(S)

O R D E R

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that the Special Judge, Ferozepur completely misdirected itself in passing the impugned judgment dated 16.11.2004 inasmuch as it had no jurisdiction to direct the Investigating Officer to file challan against the accused and as challan was filed in pursuance of the said direction on the basis whereof cognizance was taken, the same is patently illegal, and, thus, all proceedings taken pursuant thereto or in furtherance of such illegal order cannot also be sustained. We, therefore, are of the opinion that the impugned judgments cannot be sustained and they are set aside accordingly. It will, however, be open to the learned Magistrate to consider the matter afresh from the same stage as was obtaining on 16.11.2004. The learned magistrate shall apply its mind on the materials on record as were obtaining on that date and pass appropriate order in accordance with law.

It is made clear that we have not considered the merit of the matter.

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The appeal is disposed of with aforementioned observations and directions.

.....J

(S.B. SINHA)

.....J

(H.S. BEDI)

NEW DELHI,

JULY 16, 2007.