

ITEM No.40

Court No. 4

SECTION IIA
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 (CrI.) No. 2002/2001

(From the judgement and order dated 29/08/2000 in MC 1546/00 of The HIGH COURT OF ORISSA AT CUTTACK)

LAXMIKANT MOHAPATRA & ANR.

Petitioner (s)

VERSUS

DAMODAR MISHRA & ANR.

Respondent (s)

(With Appln(s). for stay)
(With Office Report)

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. Jana Kalyan Das, Adv.

For Respondent (s)
No.1

Mr. Vijay Hansaria, Adv.
Mr. Sunil Kr. Jain, Adv.
M/s Jain Hansaria & Co., Adv.

UPON hearing counsel the Court made the following

ORDER

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Leave granted.
Appeal disposed of.

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Hemalatha

(HK Bhatia)
Court Master

(Signed order is placed on file)

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

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LAXMIKANT MOHAPATRA & ANR.

Appellants (s)

VERSUS

DAMODAR MISHRA & ANR.

Respondent (s)

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Leave granted.

We are not inclined to uphold the condition for the bail imposed on the appellants one of whom is a Reader in Mathematics and the other is the Asstt. Manager in UCO Bank, that they shall not leave the territorial jurisdiction of certain places without permission from the court concerned. For the offence under Section 498-A IPC such a rigorous condition is uncalled for on the fact situation in the case. We, therefore, delete it.

Mr. Hansaria, learned counsel appearing for respondent no.1 contended that appellants were threatening him and for such reason the condition was imposed. Respondent no..1 is residing within the limits of Cuttack city. So if appellants are to proceed to Cuttack for any reason they can do so after giving prior

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intimation to the SHO of the Police Station within the limits of which the appellants are posted for their work. This condition will be read as substitution for the condition deleted by us.

This appeal is disposed of in the above terms.

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.....J
(K.T. Thomas)

New Delhi
September 3, 2001

.....J
(S.N. Variava)