

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl) No(s).6222/2010

(From the judgement and order dated 22/07/2010 in CRLR No.159/2010, of The HIGH COURT OF M.P AT GWALIOR)

SANJAY SOLANKI

Petitioner(s)

VERSUS

PHOOL SINGH & ORS.

Respondent(s)

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

WITH SLP(R)...CRLMP NO. 6312 of 2013

(With CRLMP 6312/2013 (c/delay in filing SLP and office report)

Date: 09/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr.Deepak Chandna, Adv.
Mr. Raj Kishore Kaushik, Adv.
Mr. Sumit Attri,Adv.

Mr. C.D. Singh, Adv.
Mr. Sunny Choudhary, Adv.
Ms. Anusuya, Adv.
Dr. Biswas, Adv.

For Respondent(s)

Mr.Rajesh Gupta, Adv.
Mr. Saurabh Gautam, Adv.
M/S. K.J. John & Co.,Adv.

Mr. Anil Shrivastav ,Adv

Mr. C.D. Singh ,Adv

UPON hearing counsel the Court made the following

O R D E R

The trial court by its order dated 25.11.2009 added Phool Singh, respondent No. 1 in this special leave petition as an accused in the case on the following reasoning:

"It is also clear from the prosecution evidence that loan was sanctioned by Phool Singh the then Branch Manager which was received by Santosh Goswami and Smt. Deepika Goswami on the basis of the forged documents in the name of Chandan Singh Goswami. If action of loan sanction has been made by the then Branch Manager Phool Singh upon making examination, verification and application of mind by him towards the documents received regarding sanction of loan then certainly trial of the then Branch Manager Phool Singh as a co-accused is in accordance with law."

The High Court has disagreed and set aside the addition of

Phool Singh as an accused.

When the matter came up before us today for hearing we asked learned counsel for respondent No. 1, Phool Singh whether the said respondent had sanctioned the loan in favour of Santosh Goswami and Deepika Goswami on the basis of any recommendation regarding the genuineness of the documents submitted by the couple or was the same independent of any such recommendation.

Learned counsel appearing for respondent No. 1 was unable to answer and sought time to take instruction to place on record a copy of recommendation, if any, made to him by the petitioner Sanjay Solanki who was at the relevant time working as junior officer in the Branch where Phool Singh was the Branch Manager.

Needful may be done by respondent No. 1 within two weeks.

Petitioner may respond to the additional document, if any, within one week thereafter.

Post after three weeks.

| (Shashi Sareen)
| Court Master

| | (Madhu Sudan)
| | Court Master

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