

(For Judgment)

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

Criminal Appeal No. 1313 of 2005 arising out of

Petition(s) for Special Leave to Appeal (Crl) No(s).1783/2004

(From the judgement and order dated 11/07/2003 in CRLA No. 1511/2002 of

The HIGH COURT OF M.P AT JABALPUR)

STATE OF M.P.

Petitioner(s)

VERSUS

RAJESH

Respondent (s)

(Heard by: Hon'ble the Chief Justice, Hon'ble G.P. Mathur and P.K.

Balasubramanyan, JJ.)

Date: 06/10/2005 This matter was called on for pronouncement of

Judgment today.

For Appellant(s)

Petitioner(s)

Ms. Yogmaya Agnihotri, Adv.

Mr. C.D. Singh, Adv.

Mr. Sanjay Kumar Singh, Adv.

Mr. Gunratan Pandey, Adv.

Ms. Kiran Suvarna, Adv.

For Respondent(s)

RECORD OF PROCEEDINGS

Hon'ble Mr. Justice G.P. Mathur sitting in Court

No. 1 pronounced the Judgment of the Bench comprising Hon'ble the Chief Justice, Hon'ble Mr. Justice G.P. Mathur and Hon'ble Mr. Justice P.K. Balasubramanyan condoning delay in filing special leave petition, granting leave and allowing the appeal preferred by the State of M.P. for the reasons stated in the signed judgment. The judgment and order of the High Court is set aside and the appeal is remanded back to the High Court for a fresh hearing after issuing notice to the accused respondent. It is made clear that the merits of the case have not been gone into and the High Court shall reappraise and examine the evidence on record and decide the appeal in accordance with law.

(D.P. WALIA)

COURT MASTER

(PREM PRAKASH)

COURT MASTER

(Non-Reportable Signed Judgment is placed on the file)