

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).4428/2009

(From the judgement and order dated 26/02/2009 in
400/2009 of The HIGH COURT OF JUDICATURE AT BOMBAY)

CRLA No.

ASGAR KHAN SHARIF KHAN

Petitioner(s)

VERSUS

MOHD.HUSSAIN SHAHABUDDIN PATEL & ANR.

Respondent(s)

(With appln(s) for bail, Stay, exemption from filing c/c of the
impugned order, permission to file additional documents,
permission to urge addl. grounds and office report)

Date: 23/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
 Mr. Shivaji M. Jadhav, Adv.
 Mr. Brij Kishor Sah, Adv.
 Mr. Lenin Hijam, Adv.

For Respondent(s) Mr. Shirish Gupta, Sr. Adv.
 Mr. Sudhanshu S.Choudhari, Adv.
 Mr. Sunil Upadhyay, Adv.

 Mr. Uday B. Dube, Adv.
 Mr. Sanjay V. Kharde, Adv.
 Ms. Asha Gopalan Nair, Adv.

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

Leave granted.
The appeal is disposed of in terms of the
signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 874 OF 2010
ARISING OUT OF S.L.P. (CRL.) NO. 4428 OF 2009

ASGAR KHAN SHARIF KHAN

..... APPELLANT

VERSUS

MOHD. HUSSAIN SHAHABUDDIN PATEL & ANR.

.... RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

In view that various facts brought to us by the counsel, we quash the order dated 26th February, 2009 and 16th March, 2009 and remit the case to the High Court for decision afresh. In the meanwhile, we also direct that the appellant Asgar Khan Sharif Khan shall not be released on bail pursuant to the orders made by the Sessions Judge and the matter will have to await the final decision of the High Court, on the application for bail. We also make it clear that we have not expressed any opinion on the merits of the case.

The appeal is disposed of with the above observations.

.....J
[HARJIT SINGH BEDI]

.....J
[DEEPAK VERMA]

NEW DELHI
APRIL 23, 2010.