

V

SLP(Crl.)No. 1890 OF 2003
ITEM No.203

Court No. 6

SECTION II
A/N MATTER

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. 1890/2003

(From the judgement and order dated 11/02/2003 in CRAN 202/03
of The HIGH COURT OF CALCUTTA)

GOPAL DAS GUPTA

Petitioner (s)

VERSUS

STATE OF WEST BENGAL

Respondent (s)

(With Appln(s). for bail)
(For Final Disposal)

Date : 05/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s)M/s S. Muralidhar,G.Seshagiri Rao,
Somiran Sharma,Advs.

For Respondent (s)

M/s Tara Chandra Sharma,Neelam Sharma,Advs.

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

Heard the counsel for the parties for a few minutes.
Leave granted.
The appeal is disposed of in terms of the signed order.

[Naresh Kumar] [S. Krishnan]
AR-cum-PS Court Master
[Signed order is placed on the file.]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1113 OF 2003
[Arising out of SLP(Cr) 1890/2003]

Gopal Das Gupta

...
APPELLANT (S)

VERSUS

State of West Bengal

...
RESPONDENT (S)

O R D E R

Leave granted.

Having heard the counsel for the parties, we are of the view that the appeal deserves to be disposed of in terms of the order passed by this Court on 7th May, 2003. By the said order it was stated that the S.L.P. may be disposed of at this stage by setting aside the impugned order and remitting the first appeal for fresh decision to the Court of Sessions. The said appeal had been dismissed, though on merits, but in absence of the counsel for the appellant. We set aside the impugned order of the High Court as also the order of Court of Sessions dismissing the appeal of the appellant. We restore Criminal Appeal No.1/1996 to the file of Sessions Judge, Darjeeling. Either the learned Sessions Judge may himself hear the appeal or assign it to an appropriate court. The appeal shall be decided within a period of three months. The appeal is disposed of.

.....J.
(Y.K. SABHARWAL)

.....J.
New Delhi, (B.N. AGRAWAL)
September 05, 2003.