

SUPREME COURT OF INDIA
 RECORD OF PROCEEDINGS
 CRIMINAL APPEAL NO(s). 906 OF 2001

STATE OF U.P. Appellant (s)

VERSUS

HAMID & ANR. Respondent(s)

Date: 11/06/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
 HON'BLE MR. JUSTICE P.P. NAOLEKAR
 (VACATION BENCH)

For Appellant(s) Mr. Ratnakar Dash, Sr. adv.
 Mr. Rajeev Dubey, Adv.
 Mr. Kamendra Mishra, Adv.
 Mr. Praveen Swaroop, Adv.
 Mr. Kamendra Mishra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
 ORDER

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

(Shashi Sareen)
 Court Master

(Vijay Aggarwal)
 Court Master

(Signed order is placed on the file)
 IN THE SUPREME COURT OF INDIA
 CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 906 OF 2001

STATE OF U.P. ... Appellant(s)

Versus

HAMID & ANR. ... Respondent(s)

ORDER

Heard learned counsel for the appellant. No one has entered appearance on behalf of the respondent inspite of service of notice. We find that the appellant-State need for grant of leave to file appeal in respect of order of acquittal passed by the Trial Court. The High Court felt that there was no reason to grant leave. Having

considered the judgment of the trial court, we find that this was a case where leave should have been granted by the High Court.

Therefore, we set aside the impugned order of the High Court and direct the High Court to grant

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leave and hear the appeal in accordance with law. We make it clear that we have not expressed any opinion on the merits of the case.

The appeal is disposed of accordingly.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
(P.P.NAOLEKAR)

New Delhi,
June 11, 2008