

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. 1930/2003

(From the judgement and order dated 05/04/2003 in CRLMA 165/02
of The High Court of Uttaranchal at Nainital)

MANOJ PRABHAKAR

Petitioner (s)

VERSUS

STATE OF UTTARANCHAL

Respondent (s)

(For Final Disposal)

Date : 20/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Rakesh Dwivedi,Sr.Adv.

M/s. Vishwajit Singh,A.Chaudhary,Ritesh Agarwal
and Ravi Km. Verma,Advs.

For Respondent (s)Mr. A.S.Rawat,A.A.G.

Mr. J.K.Bhatia,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for both side for

twenty minutes.

Leave granted.

The appeal is disposed of.

(Y.P. Dhamija)

(Veera Verma)

AR-cum-PS

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 241 OF 2004

(arising out of SLP(CRL) No. 1930/2003)

Manoj Prabhakar

...

APPELLANT (S)

VERSUS

State of Uttaranchal

...

RESPONDENT (S)

O R D E R

Leave granted.

Heard the learned counsel for both the parties.

The appellant sought to quash the charge-sheet filed against him for the offences punishable under sections 406,420 and 471 IPC. One of the contentions of the appellant was that on the basis of single FIR more than one case has been filed against him and therefore it is illegal.

But this point was not urged before us. As regards the question whether any offence is punishable either under sections 406,420 or 471 is made out, the High Court has not considered the material available on record. The counsel for the appellant pointed out various facts before us. However, we are not inclined to consider the same as the High Court had no opportunity to consider the same.

The impugned order of the High Court is set aside and the High Court is requested to consider the Criminal Misc. Application filed before the High Court afresh. The appellant would be at liberty to file fresh materials before the High Court in accordance with law.

The appeal is disposed of.

.....J.
(K.G. BALAKRISHNAN)

.....J.
(B.N. SRIKRISHNA)
New Delhi,
February 20, 2004.