

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 328 OF 2002

STATE OF UTTAR PRADESH

Appellant (s)

VERSUS

SURESH CHAND & ORS.

Respondent(s)

Date: 12/06/2008 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. Vikas Bansal,Adv.
Mr. Anuvrat Sharma,Adv.
Mr. Pramod Swarup,Adv.

For Respondent(s)

Mr. Ravi Prakash Mehrotra,Adv.

UPON hearing counsel the Court made the following
ORDER

The appeal is allowed in terms of the signed order.

(Vijay Aggarwal)
Court Master

(Neena Verma)
AR-cum-PS

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.328 OF 2002

State of Uttar Pradesh

...Appellant

Versus

Suresh Chand and Ors.

...Respondents

ORDER

Heard.

In the present appeal, challenge is to the order passed by a Division Bench of the Allahabad High Court refusing to grant leave to the State to file an appeal against the judgment of acquittal in respect of the respondents. The High Court, by a cryptic order, which is practically un-reasoned, refused to grant leave. Such a practice has been deprecated by this Court in many cases. In the circumstances, we set aside the impugned order of the High Court, as according to us, this is a case where leave ought to have been granted because arguable points were involved. In that view of the matter, we feel that leave

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ought to have been granted in the present case. We make it clear that we have not expressed any opinion on the merits of the case. The High Court shall now hear the appeal on merits.

The appeal is, accordingly, allowed.

.....J.

(Dr. ARIJIT PASAYAT)

.....J.

(P.P. NAOLEKAR)

New Delhi,
June 12, 2008.