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Cr1.A.No. 794 OF 1995
ITEM NO.117

COURT NO.5

SEC -II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.794 OF 1995@@
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State of U.P.

Appellant(s)

VERSUS

Ram Niwas & Ors.

Respondent(s)

DATE : 12-9-2002: This matter was called on for hearing today.@@
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CORAM:

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant(s): Mr. Arvind Kr. Shukla, Adv.
Mr. Rashid Saeed, Adv.
Mr. Pramod Swarup, Adv.

For Respondent(s): Mr. N.S. Bisht, Adv.
Mr. K.K. Gupta, Adv.
Mr. Irshad Ahmad, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T..J.
.SP2

Heard learned counsel for the parties for five minutes.

The appeal is dismissed in terms of the signed order.
Bail bonds shall stand discharged.

.SP1

(R.K. Dhawan)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 794 OF 1995 @@
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versus

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

The State is in appeal against the Order dated 24th July, 1992 passed by the learned Single Judge of the Allahabad High Court. The learned Judge in the High Court disposed of the appeal by simply recording the following:

.....L.....T.....T.....T.....T.....T.....T...J
.SP1

"The leave application having been rejected the appeal automatically fails and is dismissed."

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The order itself pre-supposes an existing earlier order but the same having not been challenged question of maintaining this appeal would not arise.

On perusal of the record it appears that on 24th July 1992, the learned Single Judge also passed an order recording therein as follows:

.....L.....T.....T.....T.....T.....T.....T...J
.SP1

"Heard the learned Govt. Counsel.

The judgment of acquittal does not suffer from any perversity to warrant any interference by this Court in the appeal against the order of acquittal. Accordingly the leave application is rejected."

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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The order impugned, thus, a consequential order and as such in the absence of the principal order not being in challenge maintainability of the appeal would not arise. The appeal, thus, stand dismissed. Bail bonds shall stand discharged.

.SP1

.....J.
(U.C.BANERJEE)

.....J.
(ARIJIT PASAYAT)

September 12, 2002