

ITEM NO.11

COURT NO.12

SECTION II

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(s).3592/2011

(From the judgement and order dated 10/03/2011 in CRLR No. 1241/2011 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

JILE SINGH

Petitioner(s)

VERSUS

STATE OF U.P.& ANR

Respondent(s)

(With appln(s) for ex-Parte stay,exemption from filing O.T.)

Date: 10/05/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Shwetank S, Adv.
Dr. Kailash Chand,Adv.

For Respondent(s)

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

Placing reliance on the decision in Kishori

Singh & Others Versus State of Bihar and Another
(2004) 13 SCC 11 the learned counsel for the
petitioner has contended that so far as those
persons against whom charge-sheet has not been
filed are concerned, they can be arrayed as accused

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persons only in exercise of powers under Section

319 of Criminal Procedure Code when some evidence

or materials are brought on record in course of

trial or they can also be arrayed as accused

persons only when a reference is made either by the

Magistrate while passing an order of commitment

or by the learned Sessions Judge to the High Court

and the High Court, on examining the materials, comes to the conclusion that sufficient materials exist against them even though the police may not have filed charge-sheet and therefore the Magistrate in the instant case could not have issued process against petitioners who are not named in the First Information Report or charge-sheet as accused persons.

In view of the above contention, issue notice.

By way of ad-interim relief, the prayer claimed in paragraph 8(a) of the application for stay is granted till further orders.

(Sonia)
Sr. P. A.

(Sneh Bala Mehra)
Court Master