

SLP(Crl.)No. 1016 OF 2001

ITEM No.50

Court No. 4

SECTION II  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 1016/2001

(From the judgement and order dated 17/09/1999 in GA 1118/94  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P.

Petitioner (s)

VERSUS

GOVIND MANDAL

Respondent (s)

( With Appln(s). for exemption from filing O.T. )

Date : 09/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Arvind Kr. Sharma, Adv.  
Mr. Pramod Swarup, Adv.

For Respondent (s) Mrs. K. Sharada Devi, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Leave granted.  
The appeal is disposed of.

.SP1 Hemalatha (HK Bhatia)  
Court Master

(signed order is placed on file)

.PA  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 672/2001@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP(Crl.)1016/2001)

STATE OF U.P.

.. APPELLANT

vs.

O R D E R@@  
CCCCCCCCC

.SP2

Leave granted.

The impugned order is one by which the High Court declined to grant leave to appeal against an order of acquittal in a murder case. After going through the statement of facts in this case we are of the opinion that the High Court should have considered the appeal of the State on merits after granting leave to appeal. We, therefore, set aside the impugned order. Leave applied for will stand granted.

The appeal before the High Court is thus regularised. It is for the High Court to dispose of the appeal on merits.

This appeal is disposed of accordingly.

.SP1

.....J.~  
(K.T. Thomas)

New Delhi  
July 7, 2001.

.....J.  
(R.P. Sethi)