

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 2054/2023

DUSHYANT @ BHURA

APPELLANT(s)

VERSUS

STATE OF RAJASTHAN & ANR.

RESPONDENT(S)

ORDER

Leave granted.

Heard the learned counsel appearing for the appellant and learned counsel appearing for the respondent-State.

A perusal of the impugned order shows that the learned Single Judge of the High Court had not adverted to the merits of the petition filed by the appellant under Section 482 the Code of Criminal Procedure, 1973. Only on the submission of the learned Public Prosecutor that an offence against the appellant has been made out,

the learned Single Judge has dismissed the petition for quashing of First Information Report without considering the same on merits. Hence, the order dated 16.01.2023 is set aside and the quashing petition is restored.

The Registrar General of the High Court shall ensure that the restored S.B.Criminal Miscellaneous (Petition) No.10528 of 2022 is listed before the roster Bench on 07.08.2023. The appellant and the 1st respondent shall appear before the concerned Bench on that date.

The appeal is allowed accordingly.

All contentions on merits are left open to be decided by the High Court.

.J.
[ABHAY S. OKA]

.J.
[SANJAY KAROL]

New Delhi
July 21, 2023.

ITEM NO.54

COURT NO.11

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 2054/2023

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4121/2023

(Arising out of impugned final judgment and order dated 16.01.2023
in SBCRLMPL No. 10528/2022 passed by the High Court Of Judicature
for Rajasthan At Jaipur)

DUSHYANT @ BHURA

Appellant(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.65221/2023-EXEMPTION FROM FILING
O.T.)

Date : 21-07-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s) Mr. Shivam Sharma, Adv.
Mr. Abhishek Vikas, AOR
Mr. Shubham Saurav, Adv.
Mr. Saket Singh, Adv.

For Respondent(s) Mr. Smarhar Singh, Adv.
Mr. Ketan Paul, AOR
Mr. Manoj Kumar, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

(signed order is placed on the file)