

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. 2519/2004

(From the judgement and order dated 20/04/2004 in CRLR 177/03
of The HIGH COURT OF HIMACHAL PRADESH AT SHIMLA)

Hardev Singh.

Petitioner (s)

VERSUS

Jagdish Ram & Ors. Respondent (s)

Date : 12/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. Sanjay Karol, Sr. Adv.
Mr. Rajesh Srivastava, Adv.

For Respondent (s)

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

Heard learned counsel for the petitioner.

We are not inclined to interfere with the impugned order.

The petitioner filed a revision against the order of acquittal passed by the Judicial Magistrate 1st Class Court No.2, Amb. in H.P. but he could not produce the certificate of the District Magistrate which should have annexed with the application for revision. Hence the revision petition was dismissed.

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The counsel for the petitioner points out that the learned Magistrate, while acquitting, has made certain observations in para 8 of the judgment and it is submitted that counter case filed at the instance of the respondents therein are pending trial and these observations may prejudice the rights of petitioners who are arrayed as accused in that case.

We make it clear that the observation in para 8 of the judgment of the Magistrate shall not have persuasive effect while deciding the criminal case finally by the Magistrate.

The special leave petition is disposed of in view of the above observations.

(R.K. DHAWAN) (VEERA VERMA)
COURT MASTER COURT MASTER