

:
ITEM NO.35

COURT NO.6

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).3816/2013

(From the judgment and order dated 01/02/2013 in CRLMR No. 800/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MOHD. ALAM

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With application for ex-parte stay and exemption from filing Official Translation)

Date: 05/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

Mr. Umang Shankar, Adv.

For Respondent(s)

Mr. Abhishek Krishna, Adv.
Mr. K.K. Mani, Adv.

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

By the impugned order, the High Court while refusing to interfere with the order passed by the Metropolitan Magistrate rejecting the application for discharge filed by the petitioner has granted liberty to raise the plea of discharge at the time of framing of charge.

| We are told that charge is yet to be framed. If that be so, the proper course |
| for the petitioner is to raise the plea before the trial court that no charge |
| should be framed on the material before the trial court. With the aforesaid |
| liberty the Special Leave Petition is disposed of. |

| [KALYANI GUPTA]
| COURT MASTER

| | [SHARDA KAPOOR]
| | COURT MASTER