

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.849 OF 2000

SURAJBHAN SINGH

Appellant (s)

VERSUS

GOPAL SINGH

Respondent(s)

(With office report)

With Criminal Appeal No.485 OF 2001

(With office report)

(For Further Hearing)

Date: 21/11/2006 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Appellant(s)

Mr. Mahabir Singh, Sr. Adv.

Mr. S.R. Sharma, Adv.

Mr. Rakesh Dahiya, Adv.

Mr. S. Srinivasan, Adv.

For Respondent(s) Mr. Anis Ahmed Khan, Adv.

Mr. Shoaib Ahmad Khan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Criminal Appeal No.849 of 2000:

Heard learned counsel for the parties.

The appeal is allowed, conviction and sentence of the appellant are set aside and he is acquitted of the charge. The appellant, who is on bail, is discharged from the liability of bail bonds.

Criminal Appeal No.485 of 2001:

The appeal is allowed in terms of the order passed in Criminal Appeal No.849 of 2000.

[Alka Dudeja]

Court Master

[Khushi Ram]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.849 OF 2000

Surajbhan Singh

...Appellant(s)

Versus

Gopal Singh

...Respondent(s)

WITH
CRIMINAL APPEAL NO.485 OF 2001

O R D E R

Criminal Appeal No.849 of 2000:

Heard learned counsel for the parties.

The appellant herein was acquitted by the trial court, but on appeal being preferred, the High Court convicted him under Section 494 of the Indian Penal Code and sentenced him to undergo rigorous imprisonment for a period of one year. During the pendency of the appeal, a petition has been filed before the Family Court, Bilaspur at Chhattisgarh, bearing C.S. No.140A of 2006 for passing mutual consent divorce decree. It has been stated that entire dispute between the parties has been settled; as such, a consent decree may be passed and conviction of the appellant be set aside. It has been further stated that a bank

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draft for a sum of Rs. One Lac has been handed over by the learned counsel for the appellant to the learned counsel for the

respondent by way of permanent alimony. In view of these facts,
the aforesaid Suit is transferred to this Court and disposed of on
the terms enumerated and a consent divorce decree is passed.

The appeal is, accordingly, allowed, conviction and sentence of
the appellant are set aside and he is acquitted of the charge. The
appellant, who is on bail, is discharged from the liability of bail
bonds. It is needless to say that henceforth the respondent shall
not be required to pay any maintenance to the wife.

Criminal Appeal No.485 of 2001:

The appeal is allowed in terms of the order passed in

Criminal Appeal No.849 of 2000.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

November 21, 2006.