

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1852 OF 2013
(SPECIAL LEAVE PETITION(CRL.)NO.4212 OF 2013)

VIKAS GUJRAL

APPELLANT

VERSUS

STATE OF BIHAR & ANR.

RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Patna in Criminal Miscellaneous No.42969 of 2011, dated 24th April, 2013.

3. The learned Chief Judicial Magistrate, Munger, taking cognizance of the complaint filed for offence under Section 420, 467, 471, 409 and 120B of the Indian Penal Code, 1860, in Complaint Case No.1260C of 2010 had issued summons to the appellant along with the other accused persons. Being aggrieved by the order of cognizance and the summons issued by the learned Chief Judicial Magistrate the appellant-herein had preferred a petition under Section 482 of the Criminal Procedure Code, 1973 (for short, 'the Cr.P.C.') before the High Court of Judicature at Patna, Bihar.

4. The High Court by its judgment and order without assigning any reasons, has dismissed the petition filed by the appellant under Section 482 of the Cr.P.C.

5. Heard learned counsel for the parties to the lis.
: 2 :

6. We have carefully gone through the impugned judgment and order passed by the High Court. From the impugned judgment and order we notice that the High Court, while dismissing the petition filed under Section 482 of Cr.P.C., has not assigned any reason, much less, cogent reasons. In that view of the matter, we cannot sustain the impugned judgment and order passed by the High Court.

7. In view of the above and keeping in view the peculiar facts and circumstances of the case, we allow this appeal, set aside the order passed by the High Court and remand the matter back to the High Court for fresh disposal as per law after affording opportunity of hearing to both the parties.

8. All the contentions of both the parties are left open.

9. The Criminal Appeal is disposed of accordingly.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(PINAKI CHANDRA GHOSE)

NEW DELHI;
OCTOBER 25, 2013
ITEM NO.7

COURT NO.4

SECTION IIA

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).4212/2013

(From the judgement and order dated 24/04/2013 in CRLM No.42969/2011 of the HIGH COURT OF JUDICATURE AT PATNA)

VIKAS GUJRAL

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 25/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Ms. B. Vijayalakshmi Menon, Adv.
Ms. Anubha Singh, Adv.
Mr. Anish Kapur, Adv

For Respondent(s) Mr. Rudreshwar Singh, Adv.
Mr. Samir Ali Khan, Adv.

Mr. Anuj Prakash, Adv.
Mr. Anirudh Sharma, Adv

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

Delay condoned.

Leave granted.

Appeal allowed and disposed of, in terms of the signed order.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar