

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).673 OF 2016
(SLP(CRL.) NO(S).5536 OF 2013)

STATE OF M.P.

APPELLANT(S)

VERSUS

SHIVRAJ SINGH

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Leave granted.

The correctness of the judgment and order passed by the High Court of Madhya Pradesh at Gwalior in Criminal Revision No.572 of 2012, setting aside the framing of charge(s) against the accused-respondent is challenged in this appeal.

It is stated by learned counsel appearing for the State that though there is sufficient material evidence collected by the investigating officer in

connection with the culpability of the accused-respondent under Section 306 of the Indian Penal Code, the High Court has quashed the same on the ground that the name of the accused has been revealed after more than 2 months of the death of Reema - the complainant's daughter and that too is not supported by any call detail or mobile record of the victim or the accused. Per contra, learned counsel appearing for the State submitted that there are 3 witnesses who have spoken about the occurrence against the accused-respondent. This aspect of the matter is required to be considered by the learned trial Judge at the time of framing of charges, is the submission made by the learned counsel for the State.

Having regard to the facts and circumstances of the case, the material available on record, the factual and legal submission advanced by learned counsel for the parties, in our considered view, it would be just and proper for us to set aside the judgment and order impugned in this appeal and remand the matter back for trial and for reconsideration and decide the same in accordance with law after hearing both the parties. Ordered accordingly.

The parties shall appear before the learned trial

Judge on 9th August, 2016.

The appeal is disposed of in the aforesaid terms.

.....J.
(V. GOPALA GOWDA)

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
JULY 19, 2016

ITEM NO.33

COURT NO.9

SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5536/2013

(Arising out of impugned final judgment and order dated 23/11/2012
in CRLR No. 572/2012 passed by the High Court Of M.P. At Gwalior)

STATE OF M.P.

Petitioner(s)

VERSUS

SHIVRAJ SINGH

Respondent(s)

(with appln. (s) for permission to file additional documents and
office report)

Date : 19/07/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)

Mr. C. D. Singh,Adv.

For Respondent(s)

Ms. Anuradha Mutatkar,Adv.

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

Leave granted.

The appeal is disposed of in terms of the
signed order.

(VINOD KUMAR JHA)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)