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SLP(Crl.)No. 3520 OF 2001  
ITEM No.1

Court No. 9

SECTION II  
A/N MATTER

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. 3520/2001

(From the judgement and order dated 01/08/2001 in CRLRA 140/01 in  
CRLMA 52/2001 of The High Court of Uttaranchal)

SUBHASH CHANDRA

Petitioner (s)

VERSUS

STATE OF UTTARANCHAL & ANR.

Respondent (s)

( With Appln(s). for stay )

Date : 26/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. Rakesh Dwivedi, Sr. Adv.,  
Mr. Ashiesh Kumar, Adv.

For Respondent (s) Ms. Rachana Srivastava, Adv.

UPON hearing counsel the Court made the following

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Mr. Rakesh Dwivedi, learned senior counsel appearing  
for the appellant made his submissions from 10.30 a.m. to  
10.35 a.m.

Leave granted.

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

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(R.K. Dhawan)  
Court Master

(D.D. Jindal)  
Assistant Registrar

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

CRIMINAL APPEAL NO. OF 2002@@  
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(Arising out of SLP(Crl.) No.3520 of 2001)

Suhhash Chandra

Appellant(s)

versus

State of Uttaranchal & Anr.

Respondent(s)

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Leave granted.

In this matter notices were issued earlier and though there was appearance but counter affidavit has not been filed till date inspite of opportunities.

On the factual score it appears that a criminal revision application filed before the High Court of Allahabad stands subsequently transferred to the High Court of Uttaranchal at Nainital in terms of the Reorganisation Act, 2000. No notice of the transfer was, however, sent to the appellant herein for disposal of the matter. The records depict that the matter was dealt with ex-parte without any intimation to any quarters. Upon coming to know of the same an application was moved for recalling of the order before the High Court of Uttaranchal, but with no success. The application was disposed of simply upon recording that no good ground has been made to recall the

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order. We, however, find some justification in having the grievance of the appellant herein since the order was passed without even any opportunity of hearing to the appellant herein.

The order, thus, being in violation of the basic principle of natural justice cannot be sustained. The order is, therefore, recalled. The matter is remitted back to the High Court of Uttaranchal for being dealt with on merit upon affording an opportunity of hearing to the parties in accordance with law. The appeal stands disposed of accordingly.

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.....J  
(U.C. BANERJEE)

.....J  
(Y.K. SABHARWAL)

New Delhi,  
February 26, 2002.