

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1781-1782 OF 2005

V. JAYASHANKAR

Appellant (s)

VERSUS

RAMA KANT SINGH & ORS.

Respondent(s)

Date: 30/03/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. L.N. Rao, Sr. Adv.
Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, Adv.
for M/S. Temple Law Firm,Adv.

For Respondent(s) Mr. Manish Kumar, Adv.
Mr. Gopal Singh, Adv.

Mr. Ranjan Mukherjee,Adv. (Not Present)

Mr. Anurag Dubey, Adv.
Mr. Meenesh Dubey, adv.
Mr. S.R. Setia, Adv.

Mr. Anil Kumar Tandale, Adv. (Not Present)

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

The appeals are allowed and impugned judgment
and orders dated 13.07.2004 and 21.07.2004 are set aside
in terms of the signed order. No order as to the costs.

(Indu Satija)
Court Master

(Ajay Kr. Jain)
AR-cum-PS

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOs. 1781-1782 OF 2005

V. Jayashankar

....

Appellant

Versus

Rama Kant Singh & Ors.

....

Respondents

O R D E R

These appeals by special leave are filed against the impugned judgment and orders dated 13.07.2004 and 21.07.2004 of the learned Single Judge of the High Court of Patna. By the impugned order dated 13.07.2004, the learned Single Judge of the High Court directed issue of show cause against the appellant herein to show cause as to why he should not be punished for filing a false affidavit and by the impugned order dated 21.07.2004, the learned Single Judge directed the Registrar General of the High Court to make a complaint of the facts to the competent criminal court for registration of the case and taking criminal action against the appellant herein.

Heard learned counsel for the parties.

We have gone through both the impugned orders. On the facts of the case, we are of the opinion that the High Court fell in error in not considering the second supplementary affidavit whereby the mistake was corrected. Hence, there was no occasion for the High Court to direct initiation of criminal proceedings against the appellant. Accordingly, we set aside both the orders dated 13.07.2004 and 21.07.2004.

The appeals are allowed. No order as to the costs.

.....J.
(MARKANDEY KATJU)

.....J.
(A.K. PATNAIK)

NEW DELHI;
MARCH 30, 2010