

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).4958/2013

(From the judgment and order dated 15/05/2013 in CRLA No. 16537/2013 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAND KISHORE MANGHRANI

Petitioner(s)

VERSUS

ALKA MITTAL & ORS.

Respondent(s)

(With application for ex-parte stay, exemption from filing Official Translation, permission to bring additional facts and documents on record and office report)

Date: 20/06/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE RANJAN GOGOI
[VACATION BENCH]

For Petitioner(s) Mr. Rajiv Nanda, Adv.

For Respondent(s)

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

By the impugned order passed by the High Court under Section 482 Cr.P.C. the High Court has directed the concerned Magistrate to consider the application of the respondents for discharge.

The grievance of the petitioner who is the complainant before the trial court is that the respondents should have first surrendered and then their application for discharge could have been considered.

We are not inclined to interfere with the impugned order of the High Court in exercise of our discretion under Article 136 of the Constitution of India. However, we dispose of this Special Leave Petition with a direction that in case the discharge application of the respondent is not allowed by the learned Magistrate, the learned Magistrate will take appropriate steps to ensure that the respondents surrender before the Court. We further direct that the Magistrate will dispose of the application for discharge within the time schedule fixed by the High Court.

[KALYANI GUPTA]
COURT MASTER

|| [SHARDA KAPOOR]
| COURT MASTER