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Cr1.A.No. 739 OF 1998
ITEM No.112

Court No. 5

SECTION IIA

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

CRIMINAL APPEAL No.739 OF 1998

DEBESH GHOSH Appellant (s)

VERSUS

STATE OF BIHAR & ANR. Respondent (s)

(with office report)

Date : 18/03/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s)Mr. Bijan Kr. Ghosh, Adv.

For Respondent (s) Mr. BB Singh, Adv.
Mr. Kumar Rajesh Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(D.L.Chugh) (Vijay Aggarwal)

AR-cum-PS Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.739 OF 1998

DEBESH GHOSHAppellant(s)

versus

STATE OF BIHAR & ANR.Respondent(s)

O R D E R

Heard the learned counsel appearing on either side.

In our view, the High Court was right in declining to interfere at this stage of the proceedings countenancing the claim for quashing the proceedings. Learned counsel for the appellant, though placed strong reliance upon a decision of this Court reported in Hari Prasad Chamarla v s. Bishun Kumar Surekha and others (1973 (2) SCC 823), we are of the view that each case would depend upon the background of its own and the overall picture presented in a particular case alone has to be specially taken into account to determine the nature of the claim before the court and in this process, in our view, the High Court has not committed any grave error to call for our interference under Article 136 of the Constitution of India. The appeal, therefore, fails and shall stand dismissed.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)

New Delhi,
MARCH 18, 2004