

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 725 OF 2015
(@ SPECIAL LEAVE PETITION (CRL.) NO. 6394 OF 2013)

ROOP NARAIN SAH & ANR. ...APPELLANT(S)

VERSUS

SMITA SAH & ORS. ...RESPONDENT(S)

O R D E R

Heard learned counsels for the parties and perused the relevant material.

Leave granted.

The proceeding before the High Court at the instance of the first respondent under Section 482 of the Cr.P..C. was clearly not maintainable in view of the fact that the respondent had already availed the remedy of revision and had instituted a revision proceeding before the Learned Sessions Court. Against the order of the learned Single Judge, the respondent could not have availed of the remedy of a second revision in the guise of invoking the High Court's jurisdiction under Section 482 Cr.P.C. The proceeding before the High Court was therefore clearly not maintainable in law. Consequently,

...2/-

the order of the High Court is set aside and the
appeal is allowed.

.....J.
[RANJAN GOGOI]

NEW DELHI
24TH APRIL, 2015

.....J.
[N.V. RAMANA]

ITEM NO.39

COURT NO.8

SECTION II

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). 6394/2013
(Arising out of impugned final judgment and order dated 16/05/2013
in SBCRM No. 4141/2011 passed by the High Court Of Rajasthan At
Jaipur)

ROOP NARAIN SAH & ANR.

Petitioner(s)

VERSUS

SMITA SAH & ORS.

Respondent(s)

(With appln. (s) for ad-interim ex-parte stay and office report)

Date : 24/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Aruneshwar Gupta,Adv.
Mr. Manish Raghav,Adv.
Mr. Nikhil Singh,Adv.

For Respondent(s) Mr. Ajay Thakur,Adv.
Mr. Shekhar Kumar,Adv.
Mr. Janme Jay,Adv.
Mr. Ashok Mathur,Adv.

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

Leave granted.

The appeal is allowed in terms of the signed
order.

(MADHU BALA)
COURT MASTER

(Signed order is placed on the file)

(ASHA SONI)
COURT MASTER