

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(s).4421/2009

(From the judgement and order dated 15/06/2009 in CRLMC No. 707/2009 & CRLMA No. 56883/2009 of The HIGH COURT OF U.P AT LUCKNOW)

KRISHNA KUMAR PANDEY @ KAKKU PANDEY Petitioner(s)

VERSUS

STATE OF U.P. Respondent(s)

(With appln(s) for stay and office report)

Date: 08/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr.Naresh Kaushik,Adv.
Mr.Sanjeev Bhardwaj,Adv.
Mrs Lalita Kaushik,Adv.

For Respondent(s) Mr.Pramod Swarup,Sr.Adv.
Mr.Raj Kr.Gupta,Adv.
Mr.Rajiv Kumar Dubey,Adv.
Mr.Kamlendra Mishra,Adv.
Mr. Anil Kumar Jha,Adv.

Mr.Anjani Kumar Singh,Adv.
Mr. Samir Ali Khan ,Adv

-2-

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

Leave granted.

The appeal is disposed of in terms of the signed order placed on the file.

(Kusum Syal)
Sr.PA

(Vinod Kulvi)
Court Master

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

CRIMINAL APPELLATE JURISDICTION

KRISHNA KUMAR PANDEY @ KAKKU PANDEY

Appellant(s)

VERSUS

STATE OF U.P.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the order of the Lucknow Bench of the Allahabad High Court passed in Criminal Miscellaneous Application No. 56883 of 2009 in Criminal Misc. Case No.707 of 2009 dated 15.6.2009 rejecting the appellant's prayer for stay of proceedings in the trial till the disposal of the pending petition under Section 482 Cr.P.C.

Having heard learned counsel for the respective parties and the submissions made, we modify the order of the trial court dated 30.1.2009 and allow the application filed by the appellant under Section 233(3) Cr.P.C to the extent of summoning Ballistic Expert O.P. Mani Tripathi as a defence witness. We are passing the order mindful of the direction which have been given earlier on 17.4.2009 in SLP (Crl.) No. 6422 of 2009 regarding expeditious disposal of the trial.

-2-

In our view, the defence must also get an opportunity to present its witnesses in support of the defence case. We therefore, request the trial court to see that the examination of the witness in question is completed within a period of one month from the date of communication of this order.

In view of this order, the pending proceedings before the High Court, being Criminal Miscellaneous Case No. 707 of 2009 shall stand disposed of.

The Appeal is disposed of accordingly.

.....J

(ALTAMAS KABIR)

.....J
(CYRIAC JOSEPH)

NEW DELHI
MARCH 8, 2010