

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1151 OF 2007  
(@ SPECIAL LEAVE PETITION (CRL.)NO.4567 OF 2004)

VIJAY SHANKAR PATHAK & ORS.

Appellant(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

ORDER

Leave granted.

This is an appeal filed against the order dated 30th July, 2004, passed in Criminal Revision No.807 of 2002 by which the criminal revision filed by Maya Rani Pathak, Lalita Pathak and Jayanti Pathak was entertained and proceedings in Complaint Case No.662(C) of 2000 pending in the Court of Chief Judicial Magistrate, Buxor against them has been directed to remain stayed during the pendency of the criminal revision Case No.807/2002.

Sofaras the case of the appellants are concerned, the criminal revision application was dismissed and the court below was directed to proceed with the case against the appellants in accordance with law. Since the High Court has already entertained the revision case in respect of some of the petitioners before it, we are of the view that the entire matter, therefore, should be decided by it. Accordingly, we set aside that part of the order of

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the High Court by which petitioners no.1, 3 and 4 before it, namely, Vijay Shankar Pathak, Sunil Kumar Pathak and Sandeep Pathak, who are appellants before us, and direct that the High Court shall decide the matter in its entirety in accordance with law. The Criminal appeal is allowed, to the extent indicated above.

.....J.



(G.V.Ramana)  
Court Master  
(Signed order is placed on the file)

(Phoolan Wati Arora)  
Court Master