

This Appeal has been filed against the impugned judgment and order dated 12th July, 2004 passed by the Orissa High Court in Criminal Misc. Case No. 1271 of 1999.

Heard learned counsel for the appellants and carefully perused the record. None has appeared for the respondent, though the name of the counsel is shown in the cause list.

The facts of the case have been set out in the impugned judgment and hence we are not repeating the same here except wherever necessary.

The appellants were the tenants of the premises in dispute and the respondent was the landlord. The Appellants' lease expired and thereafter they claimed to be the tenant holding over. The appellants filed a civil suit against the landlord-respondent claiming renewal of the lease. As a counter blast, the landlord-respondent filed a criminal complaint against the appellants alleging criminal

trespass.
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In our view, this was not a case of criminal trespass at all.

Accordingly, we allow this appeal, set aside the impugned judgment of the High Court and quash the criminal proceedings against the appellants herein.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
MARCH 01, 2011

.....J.
[GYAN SUDHA MISRA]