

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

(CrI.M.P.No.13263)

Petition(s) for Special Leave to Appeal (CrI)...../2008  
(From the judgement and order dated 01/02/2008 in IA No.1228/2008  
& CRLA No.1229/2006 of The HIGH COURT OF M.P. AT JABALPUR)

STATE OF M.P.

Petitioner(s)

VERSUS

RAJARAM Respondent(s)  
(With appln(s) for c/delay in filing SLP)

Date: 29/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Ms. Vibha Datta Makhija,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

ORDER

Delay condoned.

Issue notice as to why the impugned order shall not be set aside and the matter be remitted to the High Court for consideration of the matter afresh, so as to enable the High Court to comply with the proviso to Section 389 of the Code of Criminal Procedure, 1973.

Ms. Vibha Datta Makhija, learned counsel for the petitioner prays for filing an additional affidavit so as to bring on record the fact that although the Deputy Advocate General appeared, he was not given any opportunity of hearing, in terms of the aforesaid proviso.

(Sarita Purohit)  
Sr.P.A.

(Pushap Lata Bhardwaj)  
Court Master