

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 714 OF 2012  
[@ SLP(CrI.)No.5655 of 2008]

DHARMENDRA KUMAR @ DHARMENDRA KR.MEHTA

Appellant(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order dated 01/05/2008, passed by the Patna High Court in Cr.Misc.No. 8523 of 2008, rejecting the appellant's prayer under Section 438 Cr.P.C. in connection with Complaint Case No.64 fo 2007.

3. Today, when the matter is taken up, learned counsel for the appellant has produced a certified copy of an order passed in Maintenance Case No.89 of 2007, passed by the Principal Judge, Family Court Rohtas, regarding compromise between the parties in respect of their disputes.

It has also been

stated by learned counsel for the appellant that after CrI.A.714/12

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compromising their differences, the parties are living together.

4. After hearing learned counsel for the appellant and the State of Bihar, although, respondent No.2-wife is not represented, having regard to the order passed in the maintenance matter on 26th march, 2010, we allow the appellant's appeal and direct that the interim order passed on 13th August, 2008, be made absolute. However, if a charge-

sheet is filed in the matter, the appellant shall appear before the trial court and after surrendering, pray for regular bail.

5. Let zerox copy of the order passed by the trial Court in the maintenance case, produced by learned counsel for the appellant, be kept on the records.

.....J.  
(ALTAMAS KABIR)

.....J.  
(SURINDER SINGH NIJJAR)

.....J.  
(RANJAN GOGOI)

NEW DELHI;  
April 27, 2012.  
Crl.A.714/12

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ITEM NO.203 COURT NO.2 SECTION IIA

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).5655/2008  
(From the judgement and order dated 01/05/2008 in CRLM  
No.8523/2008, of The HIGH COURT OF PATNA)

DHARMENDRA KUMAR @ DHARMENDRA KR.MEHTA Petitioner(s)

VERSUS

STATE OF BIHAR & ANR. Respondent(s)  
(With appln(s) for permission to place addl. documents on record  
and stay of arrest)  
( for final disposal )

Date: 27/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s) Mr. Manoj R.Sinha, Adv.  
Mr. Anand Nandan, Adv.  
Mr. T. Mahipal,AOR.

For Respondent(s) Mr. Gopal Singh,AOR.  
Mr. Chandan Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

In terms of the signed order, the appellant's appeal is allowed and it is directed that the interim order passed on 13th August, 2008, be made absolute. However, if a charge-sheet is filed in the matter, the appellant shall appear before the trial court and after surrendering, pray for regular bail.

Crl.A.714/12

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(Sheetal Dhingra)  
COURT MASTER

(Juginder Kaur)  
Assistant Registrar

[Signed order is placed on the file]