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SLP(Crl.)No. 113 OF 2002

ITEM No.54

Court No. 3

SECTION II
A/N MATTER

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. 113/2002

(From the judgement and order dated 18/09/2001 in BA 1850/2001
of The HIGH COURT OF GAUHATI)

STATE OF H.P.

Petitioner (s)

VERSUS

HITESH NARULA

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing c/c of the impugned Judgment
cancellation of bailpermission to place addl. documents on record)

Date : 01/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIK
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)

Ms. Meenakshi Arora,Adv.

For Respondent (s)

Mr. A.R.Barthakur,Sr.Adv.
M/s. Suresh C.Gupta,A.G.Sharma,Sanjay Pal,Adv
for Mrs Lalita Kaushik,Adv.

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

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Heard the learned counsel for both the parties for
ten minutes each.
Leave granted.
The appeal is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
Court Master Court Master@@

AAAA
Signed order is placed on the file.

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.PL58

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.421/2002@@
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(arising out of SLP(CRL) No. 113/2002)

State of H.P. ...Appellant

Vs.

Hitesh Narula ...Respondent

O R D E R@@
EEEEEEEEEE

.....L.....I.....J
.SP2

Leave granted.

This appeal is directed against the impugned order of the Gauhati High Court granting the privilege of anticipatory bail to the respondent invoking the power under section 438 of the Criminal Procedure Code. Ms. Meenakshi Arora appearing for the State of Himachal Pradesh contends that the High Court could not have granted the privilege of anticipatory bail without even noticing and hearing the State of Himachal Pradesh. Mr. Barthakur also does not dispute the fact that the State of Himachal Pradesh was not heard before granting the privilege to the accused respondent under section 438 of the Criminal Procedure Code. In that view of the matter on this limited score, we set aside the impugned order and direct the High Court to reconsider the matter after hearing the State of Himachal Pradesh. It will be open for the State of Himachal Pradesh to raise all contentions including the contention about the jurisdiction of the High Court.

The appeal is disposed of.

.SP1

.....J.
(G.B. PATTANAİK)@@
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New Delhi,

April 01, 2002

.....J.@@
AAAAAAAAAAAAAAAAAAAA
(BRIJESH KUMAR)@@
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