

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).4453/2006

(From the judgement and order dated 17/05/2006 in CRLM No. 30759/2005 of The  
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SANTOSH KAPOOR

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(With appln(s) for stay and office report )

Date: 23/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. S.K. Sinha,Adv.

For Respondent(s)

Mr. Rajeev Gaur 'NASEEM', Adv.

Mr. Rupanesh Purohit, Adv.

Mr.T.V.George,Adv.

UPON hearing counsel the Court made the following

O R D E R

Special Leave granted.

The appeal is allowed in terms of the signed order.

(Sukhbir Paul Kaur)

(Vijay Dhawan)

Court Master

Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2007  
(Arising out of SLP(Crl.)No.4453 of 2006)

SANTOSH KAPOOR

...APPELLANT(S)

Versus

STATE OF HARYANA

...RESPONDENT (

S)

O R D E R

We have heard counsel for the parties.

Special Leave granted.

In this appeal by Special Leave the appellant has impugned the judgment and order of the High Court rejecting her application under Section 482 of the Code of Criminal Procedure (Cr.P.C.) for quashing of the proceeding against her and for setting aside the order passed by the learned Magistrate and the Revisional Court whereby the appellant was summoned for trial under Section 319 Cr.P.C.

Having perused the order of the learned Magistrate we are not satisfied that the learned Magistrate has given due importance to the facts of the case while passing an order under Section 319 Cr.P.C. The matter requires proper consideration of the material on record. After consideration of the material on record, the learned Magistrate may pass such order as he may deem fit under Section 319 Cr.P.C.

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We, therefore, set aside the order of the High Court and also the order of the Court below including the order passed by the learned Magistrate under Section 319 Cr.P.C. and remit the matter to the Judicial Magistrate, First Class, Gurgaon for rehearing the matter and passing a

fresh reasoned order.

This appeal is accordingly allowed.

.....J.

(B.P.SINGH)

.....J.

(H.S.BEDI)

New Delhi,

March 23, 2007