

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).5353/2006

(From the judgement and order dated 05/09/2006 in CRLMW No. 79/2005  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MADAN MOHAN GAUTAM

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for stay and exemption from filing O.T.)

Date: 23/04/2007 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. Dinesh Kumar Garg, Adv.

Dr. Bheem Pratap Singh, Adv.

MR. V.K. Biju, Adv.

For Respondent(s)

Mr. Ratnakar Dash, Sr. Adv.

Mr. Sanjay Singh, Adv.

Mr. R.K.Singh, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.

Mr. Ashish Mohan, Adv.

Mr. K.K.Verma, Adv.

Mr. K.K. Mohan ,Adv

UPON hearing counsel the Court made the following

O R D E R

Special leave granted.

The appeal stands disposed of in terms of the signed order.

(Ajay Kr. Jain)  
jay Dhawan)  
Court Master  
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(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
(CRIMINAL APPELLATE JURISDICTION)

CRL. APPEAL NO. 606 OF 2007  
(ARISING OUT OF SLP(Crl.) NO. 5353 OF 2006)

Madan Mohan Gautam

.... Appellant

Versus

State of U.P. & Ors.

.... Respondents

O R D E R

We have heard counsel for the parties.

Special leave granted.

In this appeal the grievance of the appellant is that though he was heard

before the High Court but no opportunity was granted to him to place before the

High Court necessary documents. He claims to be in possession of the premises in

question on which he had put a lock. According to him he was a purchaser from

one Padam Chand Rohtagi, who was the lawful owner of the shop and according to

him the vendor of respondents 1 and 2 sold the shop to him in defiance of an

injunction order obtained by the vendor of the appellant against her. It is further

submitted on behalf of the appellant that many other documents, which he wishes

to produce if given an opportunity, must be seen by the High Court before any

direction is made to handover possession of the shop in question to either party.

Having regard to the fact that the appellant's application for

impleadment has not been finally allowed and he was not able to produce before

the High Court all necessary documents, we are of the view that an opportunity

may be given to the appellant to represent his case and produce documents so that

the High Court may decide the matter after hearing the appellant herein.  
We,

therefore, do not wish to express any opinion in the matter but only to enable the High Court to pass a fresh order, we set aside the impugned order. The High Court shall hear the Crl. Miscellaneous Writ Petition afresh and call upon the appellant herein to produce such documents as he may wish to produce and after affording an opportunity of hearing to the parties, pass a fresh order. Till the time the High Court decides the matter, status quo regarding possession of the shop in question shall be maintained.

We have no doubt that if a request is made to the High Court, the High Court will dispose of the matter as soon as possible.

The appeal stands disposed of.

.....J.  
(B.P. SINGH)

.....J.  
(H.S. BEDI)

New Delhi  
April 23, 2007