

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL No.2207 OF 2014

RAHUL & ANR.

Appellant(s)

VERSUS

APPOLLO TYRES LTD. & ORS.

Respondent(s)

O R D E R

1. In view of the exoneration of the accused respondent Nos.2 to 4, the Bankers, which exoneration has not been challenged by the complainant and, therefore, has attained finality, the prosecution against the accused-appellants (transporter) will serve no useful purpose and is bound to be a sham/lame prosecution.

2. As the liability to pay the complainant was of the Banker, in the above-stated situation, we interfere with the order of the High Court directing continuance of the trial against the accused appellants.

3. Consequently and in the light of the above the appeal is allowed and the order of the High Court is set aside.

....., J.
(RANJAN GOGOI)

....., J.
(NAVIN SINHA)

....., J.
(K.M. JOSEPH)

NEW DELHI
SEPTEMBER 25, 2018

ITEM NO.102

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCRIMINAL APPEAL No.2207 OF 2014

RAHUL & ANR.

Appellant(s)

VERSUS

APPOLLO TYRES LTD. & ORS.

Respondent(s)

Date : 25-09-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Mr. Shivaji M. Jadhav, AOR
Mr. Nicholas Choudhury, Adv.
Mr. Gautam Prabhakar, Adv.For Respondent(s) Mr. Arun R. Pedneker, Adv.
Mr. Sanjay V. Kharde, Adv.
Ms. Chandan Ramamurthi, AOR

Mr. Avinash Kr. Lakhanpal, AOR

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

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA ARORA)
COURT MASTER(ASHA SONI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)