

ITEM NO.102

COURT NO.7

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 932-933 OF 2004

DEEPAK RAI AND ANR.

Appellant (s)

VERSUS

STATE OF M.P. AND ANR.

Respondent(s)

(With office report)

Date: 17/03/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. V. Giri, Sr. Adv.
Mr. Rakesh Kumar, Adv.
Mr. Navin Kumar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

Mr. Siddharth Dave, Adv.
Ms. Jemtiben Ao, Adv.
Ms. Vibha Datta Makhija, Adv.

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

The appeals are dismissed with the
observations recorded in the signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

Cr1.A. No. 932-933 of 2004

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[SIGNED ORDER IS PLACED ON THE FILE.]

Cr1.A. No. 932-933 of 2004

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CRIMINAL APPEAL NOS. 932-933 of 2004

DEEPAK RAI & ANR.

..... APPELLANTS

VERSUS

STATE OF M.P. & ANR.

.....

RESPONDENTS

O R D E R

1. We have heard the learned counsel for the parties at length.

2. We feel that the observations of the High Court that the matter should be looked into by the trial judge

is not warranted. The question of grant of sanction and other matters requires no interference.

We, however, clarify that any observations made by the Magistrate while issuing process or by the Sessions Judge in any proceedings that have already been initiated or by the High Court in the impugned judgment dated 9th September, 2003, will not stand in the way of the Sessions Judge in

examining the question of sanction and other related

Crl.A. No. 932-933 of 2004

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matters at the very initial stage itself.

Mr. Giri, the

learned Senior Counsel,

also points out that accused

No. 1 is no longer a member of the Committee whereas

accused No. 2 has been transferred

to a place a long

distance away and hence requests that their personal presence should be exempted.

We, accordingly, direct

that their presence before the trial court is exempted

except on any day that they are called

upon to appear

before the court by way of a specific order in that regard.

3 The appeals are dismissed with the above
observations.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
MARCH 17, 2011.