

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.483 OF 2011

RAKESH KUMAR MAHESHWARI

... APPELLANT(S)

VERSUS

STATE OF U.P. & ORS.

...RESPONDENT(S)

O R D E R

Mr. S.R. Singh, learned senior counsel appearing for the appellant invited our attention to the allegations contained in the first information report (Exhibit P-1), for short 'the FIR', and submitted that

Division Bench of the High Court in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, after adverting to the judgments of Allahabad High Court as well as this Court including the decision rendered in State of Haryana v. Bhajan Lal & Ors., AIR 1992 SC 604 and Joginder Kumar v. State of

U.P. & Ors., (1994) 4 SCC 260 and after perusing the allegations contained in the FIR, was of the view that the allegations do disclose the commission

2

cognizable offence and, therefore, declined to exercise its inherent jurisdiction and dismissed the criminal petition.

Signature Not Verified

Digitally signed by

Vinod Kumar

Date: 2015.02.27

13:04:32 IST

Reason:

Correctness of the same is challenged before us contending that the allegations contained in the FIR do not constitute cognizable offence.

Having regard to the facts and circumstances of the case, the material available on record particularly having regard to the nature of the allegations and the rival legal submissions, we are in respectful agreement with the view taken by the High Court as the same is based on valid and cogent reasons. Since the conclusions arrived at by the High Court are in conformity with the principles of law, we do not find any good reason to interfere with the impugned judgment and order passed by the High Court and we are satisfied that it is not a fit case for our interference in this appeal.

Accordingly, the appeal is dismissed. Consequently, the interim order dated 01.09.2010 also stands vacated.

However, the appellant is at liberty to approach
3
the learned Special Judge seeking bail. If such an application is filed, the same shall be considered and decided in accordance with law.

The appeal is dismissed with aforesaid observations and liberty.

.....J.
(V. GOPALA GOWDA)

.....J.
(C. NAGAPPAN)

NEW DELHI,
FEBRUARY 24, 2015

4

ITEM NO.4

COURT NO.11

SECTION II

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 S

Criminal Appeal No(s). 483/2011

RAKESH KUMAR MAHESHWARI

Appellant(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

Date : 24/02/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. S.R. Singh, Sr. Adv.
Mr. Anurag Tomar, Adv.
Mr. Avnish Singh, Adv.
Mr. Ankur Yadav, Adv.
Mr. Ujjwal Pandey, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s) Mr. V.K. Shukla, AAG
Mr. Sudeep Kumar, Adv.
Mr. Abhishth Kumar, Adv.

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

The appeal is dismissed in terms of the signed order.

(VINOD KR.JHA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)