

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSCRL.M.P.NO. 15300/2008 in &
Petition(s) for Special Leave to Appeal (Crl) No...../2008(From the judgement and order dated 27/08/2008 in CRLMA No. 22760/2008 of the HIGH COURT
OF JUDICATURE AT ALLAHABAD)

ATUL TYAGI & ORS. Petitioner(s)

VERSUS

STATE OF U.P.& ANR. Respondent(s)

(For permission to file SLP and ex-parte stay)

Date: 29/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPHFor Petitioner(s) Mr. Chandra Shekhar,Adv.
Mr. Sanjay Kr. Tyagi,Adv.
Mr. Saurabh Upadhyay,Adv.
Mr. Brijesh Dalpatia,Adv.
Mr. S.K. Verma,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Permission to file SLP is granted.

The petitioners who are accused in the complaint petition filed by the second respondent are before us only because some observation has been made in the impugned judgment that the allegations made in the application under Section 156(3) of the Cr.P.C. appear to constitute cognizable offence which requires investigation. The said observation was made by the High Court having regard to the order of the learned Magistrate as also the complaint

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petition. However, in view of the order passed by the High Court itself directing the learned Magistrate to pass fresh order in accordance with the provision of law, we have no doubt in our mind that the learned Magistrate shall pass such order as is permissible in law. The special leave petition is dismissed with the aforementioned observation.

(A.S. BISHT)
MASTER

COURT MASTER

(PUSHAP LATA BHARDWAJ) COURT