

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1823 OF 2009
WITH CRL.MP.NO.1089/2012

SANKAR SARKAR

... APPELLANT

VERSUS

SUBAH RAJ & ANR.

... RESPONDENTS

O R D E R

This appeal is directed against the judgment and order dated 30.07.2008 passed by the High Court at Calcutta in C.R.R.No.4211 of 2007. By the impugned judgment and order, the High Court has remanded the matter to the Trial Court for de novo trial, as contemplated under the provisions of the Criminal Procedure Code. The order so passed by the High Court is in consonance with the judgment of this Court in the case of Nitinbhai Saevatilal Shah & Anr. Vs. Manubhai Manjibhai Panchal & Anr., (2011) 9 SCC 638. In that view, we do not find any merit in this appeal. The appeal is, accordingly, dismissed. We, however, direct the learned Trial Court to dispose of the complaint of the petitioner as as early as possible, at any rate, within six months from today.

CRLMP No.1089/2012 is also disposed of.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
MARCH 12, 2012
ITEM NO.2

COURT NO.9

SECTION IIB

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

CRLMP.NO. 1089/2012 in CRIMINAL APPEAL NO(s). 1823 OF 2009

SANKAR SARKAR

Appellant (s)

VERSUS

SUBAH RAJ & ANR.

Respondent(s)

(With appln(s) for directions and office report)

Date: 12/03/2012 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. Shiv Shankar Banerjee, Adv.
for Mr. Rauf Rahim, Adv.

For Respondent(s) Mr. Ranjan Mukherjee, Adv.
Mrs Sarla Chandra, Adv.

Mr. Avijit Bhattacharjee ,Adv(NP)

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

Appeal is dismissed. CRLMP No.1089/2012 is disposed,
in terms of the signed order.

(G.V.Ramana)
Court Master

(Sharda Kapoor)
Court Master

(signed order is placed on the file)