

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

Petition(s) for Special Leave to Appeal (Crl) No(s).7522/2009

(From the judgement and order dated 03/07/2009 in CRLMC No. 2332/2009 of The HIGH COURT OF ALLAHABAD AT LUCKNOW)

RAM SHIROMANI PANDEY Petitioner(s)

VERSUS

RADHEY SHYAM PANDEY & ANR. Respondent(s)

(With appln(s) for exemption from filing O.T., stay, permission to file additional documents and office report )

Date: 27/08/2010 This Petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Satish Pandey, Adv.  
Mr. Santosh Kumar Tripathi, Adv.

For Respondent(s) Mr. Ratnakar Dash, Sr. Adv.  
Mr. Manoj Kumar Mishra,  
Mr. Rajeev K. Dubay, Adv.  
Mr. Kamalendra Mishra, Adv.  
  
Mr. P.K Jain, Adv.  
Mr. P.K. Goswami, Adv.  
Mr. Pravin Kumar Murteja, Adv.  
Mr. Aditya Sharma, Adv.  
Mr. Arun Chaudhary, Adv.  
Ms. Sunita Hazarika, Adv.

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

Leave granted.

The appeal is disposed of.

[SUMAN WADHWA]  
COURT MASTER

[VINOD KULVI]  
COURT MASTER

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1699 OF 2010  
(Arising out of SLP(Crl.)No. 7522/2009)

RAM SHIROMANI PANDEY .. APPELLANT(S)

vs.

RADHEY SHYAM PANDEY & ANR. .. RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The appellant is aggrieved by the observations of the High Court in the order dated 3rd July, 2009 that the application filed under Section 303 of the Criminal Procedure Code be allowed only to the extent that the accused can apprise the Court with regard to the material collected during the course of the investigation. We are of the opinion that at the pre-cognizance stage the accused, who is the respondent before us, cannot be permitted to assist the Court in any manner. We see from the order of the High Court that an avenue has been left open for the accused to produce his defence at the pre-cognizance stage. This cannot be permitted.

We accordingly set aside the order of the High Court dated 3rd July, 2009 and dismiss the application under Section 303 of the Cr. P.C. filed by the accused respondent.

The Appeal is disposed of accordingly.

.....J.  
(HARJIT SINGH BEDI)

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

New Delhi,  
August 27, 2010.