

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1992 OF 2012

SANTOSH

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 1991 OF 2012

ORDER

Heard learned counsel appearing for the parties as also Mr. Rajiv Nanda, learned Amicus Curiae who has been appointed to defend the case of respondents-accused.

2. To deal with these matters, it would be appropriate at the outset to extract the impugned order passed by the High Court, which is as follows:

“1. Heard Mr. Y.B. Mandpe, APP for the appellant/State.

2. On going through the judgment, we find that reasoning given by the trial court for acquittal are not perverse. Hence leave to appeal is rejected.”

3. A bare perusal of the above quoted order clearly indicates that the High Court has passed the order in a casual way without giving any justifiable reason to reject the leave to

appeal. We are of the considered view that the impugned order passed by the High Court is totally by non-application of mind and not in consonance with the legal position settled by this Court in **State of Maharashtra** vs. **Sanjay Mangesh Poyarekar** (2008) 9 SCC 475. We, therefore, set aside the impugned order and remand the matters back to the High Court for reconsidering them afresh on merits and passing a reasoned order.

4. Having regard to the facts and circumstances of these cases, we request the High Court to dispose of the matters as early as possible but within a period of six months from today. We make it clear that we have not expressed any opinion on the merits of these cases. The High Court shall decide the matters on merits and pass reasoned order uninfluenced by any of our observations made in this order.

5. The appeals are accordingly disposed of.

.....**J.**
(N.V. RAMANA)

.....**J.**
(MOHAN M. SHANTANAGOUDAR)

**New Delhi,
October 3, 2018.**

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). 1992/2012

SANTOSH

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

WITH

Cr1.A. No. 1991/2012 (II-A)

Date : 03-10-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s)

Mr. Satyajit A. Desai, Adv.

Ms. Anagha S. Desai, AOR

For Respondent(s)

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Rajiv Nanda, AOR (A.C.)

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

The appeals are disposed of in terms of the signed order.

(VISHAL ANAND)
COURT MASTER (SH)

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)