

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3265/2008

(From the judgement and order dated 02/04/2007 in WA No. 111/2007
of the HIGH COURT OF M.P AT INDORE)

RAMESH
STATE OF M.P.& ANR.
VERSUS
Petitioner(s)
Respondent(s)

(With appln(s) for suspension of sentence, exemption from filing O.T. and office
report)

WITH SLP(Crl) NO. 3266 of 2008
(With appln.(s) for bail and office report)

Date: 08/12/2008 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr. Sanjay Sharawat, Adv.
For Respondent(s) Mr. N.M. Ghatate, Sr. Adv.
Mr. Vairagya Vardhan Dubey, Adv.
Mr. Aditya Singh, Adv.
Ms. Upasana Nath, Adv.
Mr. C.D. Singh, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted in SLP(Crl) No. 3265/2008. Appeal is allowed
in terms of the signed order and the order dated 2.4.2007 in Writ
Appeal No. 111 of 2007 on the file of the High Court of Madhya
Pradesh, Bench Indore is set aside. The writ appeal shall stand
restored on the file of the High Court for disposal in accordance with
law.

SLP(Crl) No. 3266/2008 is delinked and may be listed
separately.
(Ravi P. Verma) (Anand Singh)
Court Master Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1995 OF 2008
[Arising out of SLP(Crl) No.3265/2008]

RAMESHAPPELLANT(S)
Versus
STATE OF MADHYA PRADESH &RESPONDENT(S)
ANR.

ORDER

Leave granted. Heard both the parties.

The appellant was prosecuted and eventually convicted for offences under Sections 148 and 302 read with 149 IPC by the Sessions Court by order dated 31.7.1996. That was challenged by the appellant and the High Court by its judgment dated 14.2.2006, converted the conviction to one under Section 304 Part I IPC and awarded 7 years R.I.

Thereafter, the appellant filed W.P. No.6503 of 2006 in the High Court alleging that he has been convicted for the murder of Arjun Singh, that newspapers reports clearly showed that Arjun Singh was alive and, therefore, he should be set at liberty and also be paid compensation. The said writ petition was dismissed on 23.1.2007. The appellant challenged the said dismissal in a writ appeal. The Division Bench of the High Court, by order dated 2.4.2007, dismissed the said appeal without examining the merits, on the ground that the appellant

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had failed to surrender in terms of the judgment dated 14.2.2006, inspite of a direction dated 23.2.2007. In fact, the learned counsel for the appellant had submitted before the High Court that he had no instructions from the appellant. The said order is under challenge in this appeal by special leave.

Learned counsel for the appellant stated that the appellant has now surrendered and the Registry has submitted a report of Chief Judicial Magistrate, Dewas dated 3.1.2008 in that behalf. In view of the surrender, we are of the view that the writ appeal filed by the appellant before the High Court deserves to be considered on merits.

We, accordingly, allow this appeal and set aside the order dated 2.4.2007 in Writ Appeal No. 111 of 2007 on the file of the High Court of Madhya Pradesh, Bench Indore. The writ appeal shall stand restored on the file of the High Court for disposal in accordance with law.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
December 08, 2008.

.....J.
(D.K. JAIN)