

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).640/2009

(From the judgement and order dated 04/03/2008 in MP No. 1/2008 &
CRLA No. 81/2008 of The HIGH COURT OF MADRAS)

SENIOR INTELLIGENCE

Petitioner(s)

VERSUS

GHALIB PASHA

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment, exemption from filing O.T., stay and office report)
(For final disposal)

Date: 12/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Mohan Jain, ASG
Mr. D.K. Thakur, Adv.
Ms. Rohini Mukherjee, adv.
Mr. H.R. Rao, Adv.
Mr. Vibhav Misra, adv.
Mr. B.K. Prasad, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s)

Mr. K.K. Mani, Adv.
Mr. Ankit Swarup, Adv.

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

Leave granted.
This appeal is disposed of in terms of the signed
order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.493 OF 2010
(Arising out of S.L.P.(Crl.) No.640 of 2009)

SENIOR INTELLIGENCE

Appellant(s)

Versus

GHALIB PASHA

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

This appeal by special leave is directed against the judgment and order dated 4.3.2008 passed by the High Court of Judicature at Madras in MP(MD) 1 of 2008 in Criminal appeal (MD) 81 of 2008 whereby the application filed by the appellant herein for suspension of sentence has been allowed.

We agree with the learned counsel for the appellant that the High Court while considering the application filed by the respondent-accused to suspend the sentence imposed on him ought not to have expressed any opinion on the merits of the case. Learned Judge

committed an error in observing that the prosecution did not make out any case against the respondent. Obviously, the observations so made are confined only for the purposes of disposal of the application filed

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by the respondent-accused seeking suspension of sentence. Those observations shall have no bearing whatsoever on the merits of the case. Criminal Appeal is required to be heard and decided on its own merits uninfluenced by any of the observations made in the impugned order.

This appeal is accordingly, disposed of.

.....J.
(B.SUDERSHAN REDDY)

.....J.
(SURINDER SINGH NIJJAR)

New Delhi,
March 12, 2010