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ITEM NO.202

COURT NO.2

SECTION IIA

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).8898/2010

(From the judgement and order dated 14/09/2010 in CRLR No.664/2010, of The  
HIGH COURT OF M.P AT GWALIOR)

DULARI & ANR.

Petitioner(s)

VERSUS

RAJHANS & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T.,stay and office report)  
(For final disposal)

Date: 08/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. S.K. Dubey, Sr. Adv.  
Mr. Rajesh, Adv.  
Mr. Yogesh Tiwari, Adv.  
Mr. Dharam Singh, Adv.

For Respondent(s) Mr. Niraj Sharma, Adv.  
For R.No.1

For State Mr. C.D. Singh, Adv.

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

Heard both sides.  
Leave granted.

The appeal is disposed of in terms of the signed order.

[Madhu Bala] [Savita Sainani]  
Sr.PA Court Master  
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.565 OF 2013  
(@ SPECIAL LEAVE PETITION (CRL.) No. 8898 OF 2010)

DULARI & ANR.

... APPELLANT(S)

VERSUS

RAJHANS AND ANR.

... RESPONDENT(S)

O R D E R

Heard both sides.

Leave granted.

It is not in dispute that the Revision filed by the complainant-Respondent No.1 herein, the High Court had issued following directions:

Considering the above legal position and perusing the material collected during investigation as well as the statement of the witnesses recorded in the Trial Court, the impugned order dated 12.8.2010 passed by Learned District Judge, Morena is set aside. The Court concerned is directed to proceed against proposed accused husband and sister in law of the deceased as per provision of Section 319 of Cr.P.C."

It is the grievance of the appellants herein that before issuing such direction, the High Court has not heard them. On going through the impugned order, it shows that the High Court had heard the complainant-Respondent No.1 herein and the State. In such circumstances, we are of the view that the impugned order cannot be sustained. Without expressing any opinion on the merits of the claim of either party, we set aside the impugned order of the High Court dated ...2/-

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14.09.2010 and remit the same to it for fresh disposal. We request the High Court to restore Criminal Revision No. 664 of 2010 on its file and dispose of the same on merits after affording opportunity to all the parties concerned including the present appellants.

The criminal appeal is disposed of.

.....J.  
[P. SATHASIVAM]

NEW DELHI  
8TH APRIL, 2013

.....J.  
[M.Y. EQBAL]