

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

Petition(s) for Special Leave to Appeal (Crl) No(s).7 1 9 3 / 2 0 0 7

(From the judgment and order dated 0 1 / 0 9 / 2 0 0 7 in Crl.A No.4 2 8 / 1 9 8 2
of The HIGH COURT OF JUDICA T U R E AT AL LA H A B A D , L U C K N O W B E N C H)

DH A R M E S H & O R S.

Petitioner(s)

VER SUS

STA T E O F U . P .

Respondent(s)

[With appln(s) for bail]

Date: 0 8 / 0 9 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

HON' B L E M R. J U S T I C E A S H O K B H A N

HON' B L E M R. J U S T I C E V . S . S I R P U R K A R

For Petitioner(s) Mr. K. L. J a n j a n i, Adv. for
Mr. Yash P a l D h i n g r a, Adv.

For Respondent(s) Mohd. Fuzail Kha n, Adv. for
Mr. Anil Ku m a r J h a, Adv.

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

Leave granted.

The appeal is allowed to the extent indicated in the signed order.

(Subhash Chander)
Court Master

(Savita Sainani)
Court Master

[Signed order is placed on the file]
I N T H E S U P R E M E C O U R T O F I N D I A

C R I M I N A L A P P E L L A T E J U R I S D I C T I O N

C R I M I N A L A P P E A L N O . 1 4 3 2 O F 2 0 0 8
[Arising out of S.L. P .(Crl.)No.7 1 9 3 of 2 0 0 7]

Dhar mes h & Ors.

.....Appellants

Versus

State of U.P.

.....Respondent

O R D E R

Leave granted.

We had issued notice in the matter on 0 3

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contended by counsel for the appellants that the impugned order passed by the High Court is perfunctory and the conviction of the appellants has been maintained without discussing any of the submissions made on behalf of the appellants.

On the previous date of hearing, the case was adjourned on a request made by the counsel for the respondent- State to get instructions as to why the impugned order be not set aside and the case remitted to the High Court for a fresh decision. However, counsel for the respondent has not taken any instructions.

After going through the order impugned in this appeal, we are satisfied that the order of the High Court is perfunctory and the conviction of the appellants has been maintained without discussing the submissions made on their behalf.

The impugned order is accordingly set aside and the case is Crl.A. @ S.L. P .(Crl.)No. 7 1 9 3 / 0 7 (contd.)

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remitted to the High Court for passing a fresh order in accordance with law after hearing the parties concerned.

The appeal is allowed to the aforesaid extent.

Sd/-
..... J.
[ASHO K BHA N]

Sd/-
..... J.
[V.S. SI R P U R K A R]

New Delhi.
September 0 8, 2 0 0 8 .