

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 979 OF 2017  
(Arising out of SLP(Cr1.)No.4885/2014)

VIJAY PRAKASH .. APPELLANT(S)

VERSUS

STATE OF U.P. & ORS. .. RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is directed against the impugned order passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Recall Application No. 298935 of 2013, dated 03.12.2013, whereby application for recalling order dated 24.09.2013 passed in Criminal Miscellaneous application filed under Section 373 of Cr.P.C. (Leave to Appeal) No. 453 of 2012 dismissing the appeal for want of prosecution, was dismissed.

3. Having heard learned counsel for the parties and in the facts and circumstances of the case, we consider it appropriate in the interests of justice to set aside the order of the High Court refusing to restore order dated 24.09.2013.

4. The appeal is, accordingly, allowed and the appeal is restored to its original number.

5. We further request the High Court to hear the matter on merits and dispose of the same in accordance with law.

.....J.  
[ S.A. BOBDE ]

.....J.  
[ L. NAGESWARA RAO ]

NEW DELHI,  
JULY 04, 2017.

ITEM NO.46

COURT NO.7

SECTION II

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). 4885/2014

(Arising out of impugned final judgment and order dated 03-12-2013 in CRMRA No. 298935/2013 in Crl. Misc. Application u/s 373 of Crl.P.C. (Leave to Appeal) No. 453/2012 passed by the High Court of Judicature at Allahabad)

VIJAY PRAKASH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(With appln. For exemption from filing O.T.)

Date : 04-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE  
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)      Mr. Shiv Sagar Tiwari, AOR  
                                 Mr. M.S. Mangla, Adv.  
                                 Mr. Kishore Mishra, Adv.

For Respondent(s)      Mr. Vishwajit Singh, Adv.  
                                 Mr. C.D. Singh, AOR  
                                 Mr. Abhijit S., Adv.  
                                 Ms. Ridhima Singh, Adv.

Mr. Uday Prakash Yadav, Adv.  
Mr. Ramjee Pandey, Adv.  
Mr. Kailash Chand, AOR

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

Leave granted.

The appeal is allowed in terms of the signed  
order.

Pending application, if any, stands disposed  
of.

[ Charanjeet Kaur ]  
A.R.-cum-P.S.

[ Indu Kumari Pokhriyal ]  
Branch Officer

[ Signed order is placed on the file ]