

ITEM NO.31

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).472/2020

(Arising out of impugned final judgment and order dated 15-02-2019 in A482 No. 3535/2019 passed by the High Court of Judicature at Allahabad)

MAVASSIR HUSSAIN &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(WITH I.R. and IA No.12783/2020-CONDONATION OF DELAY IN FILING and IA No.12784/2020-EXEMPTION FROM FILING O.T. )

Date : 27-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Osama Abbasi, Adv.  
Ms. Ramsha Shan, Adv.  
Mr. Wajeeh Shafiq, AOR

For Respondent(s)

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

Delay condoned.

The grievance of the petitioners is that the impugned order of the High Court dated 15 February 2019 was passed in a Criminal Miscellaneous Application under Section 482 of the Code of Criminal Procedure 1973<sup>1</sup> without notice to them. Learned counsel submitted that notice to the petitioners was necessary because the order which was challenged before the High Court was passed by the

Sessions Judge, Sambhal at Chandausi in a revision filed by the petitioners.

In view of the above grievance, learned counsel appearing on behalf of the petitioners is granted liberty to move the High Court, on his request, for recall of the impugned order on the ground that it was passed without hearing the petitioners. It would be open to the petitioners to move this Court afresh including on the grounds urged in the Special Leave Petition, if it becomes necessary to do so after the order of the High Court.

The Special Leave Petition is accordingly disposed of, in terms of the liberty reserved in the above terms.

Pending application stands disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER