

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No 1559 of 2021
(Arising out of SLP (Cr) No 8719 of 2021)

Ashok Kumar Verma

Appellant(s)

Versus

State of Uttar Pradesh and Another

Respondent(s)

ORDER

- 1 Leave granted.
- 2 The appeal arises from a judgment of a Single Judge of the High Court of Judicature at Allahabad dated 25 September 2019 in Criminal Revision No 1450 of 1998.
- 3 The appellant was tried for offences punishable under Sections 494 and 498 of the Indian Penal Code 1860. The appellant was convicted for the offence punishable under Section 498A by the Judicial Magistrate First Class, Varanasi on 31 August, 1994 and was sentenced to rigorous imprisonment for one year and to a fine of Rs 500. He was however acquitted of the offence under Section 494.

4 The Additional District Judge, Varanasi dismissed the appeal against the conviction and sentence on 29 August 1998.

5 The appellant had filed a criminal revision before the High Court. When the revision came up before the High Court on 25 September 2019, counsel for the appellant was absent. The Single Judge observed that in the circumstances, the court had perused the record. Paragraph 1 of the order reads as follows:

“Called in revise. None appeared to press this revision. In the circumstances, I myself have perused the record.”

6 On merits, the Single Judge observed:

“Having gone through the record, I do not find any manifest error or otherwise illegality, procedural or otherwise so as to justify interference in criminal revision.”

7 We have heard Mr Vishal Arun, learned counsel for the appellant and Mr Garvesh Kabra, learned counsel for the State of Uttar Pradesh.

8 We find merit in the submission of the appellant that the revision against the conviction of the appellant ought not to have been disposed of in such a summary manner, in the absence of counsel. There has also been an element of non application of mind to the merits of the revision.

9 We accordingly allow the appeal and set aside the impugned judgment and order dated 25 September 2019 and restore Criminal Revision No 1450 of 1998 to the file of the High Court for fresh hearing and disposal.

- 10 It has been stated on behalf of the appellant that (i) the proceedings arose out of a criminal complaint which was lodged in 1990; (ii) in the meanwhile, the appellant and the second respondent arrived at a settlement, under which a divorce by mutual consent has been granted under Section 13B of the Hindu Marriage Act 1955 and an amount of Rs 5 lakhs has been paid. Since the second respondent is not before the Court, we are recording above submission of the appellant and leave it open to the High Court, to take an appropriate view after hearing the parties.
- 11 The appeal is accordingly disposed of in the above terms.
- 12 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[A S Bopanna]

New Delhi;
December 6, 2021
CKB

ITEM NO.12

Court 4 (Video Conferencing)

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 (CrI.) No.8719/2021

(Arising out of impugned final judgment and order dated 25-09-2019 in CRLR No.1450/1998 passed by the High Court of Judicature at Allahabad)

ASHOK KUMAR VERMA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(With appln.(s) for IA No.9914/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.9913/2020 - EXEMPTION FROM FILING O.T.)

Date : 06-12-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Vishal Arun Mishra, Adv.
Mr. Bimlesh Kumar Singh, AOR
Mr. Rajeev Kumar Gupta, Adv.
Mr. Saroj Kumar Singh, Adv.
Mrs. Shaifali, Adv.
Mr. D.K Thakur, Adv.
Mr. Hardik Ahluwalia, Adv.
Mrs. Urvi Kashiwal, Adv.

For Respondent(s) Mr. Garvesh Kabra, Adv.

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

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)
A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)
Court Master**

(Signed order is placed on the file)