

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1344 OF 2012
(Arising out of SLP(Crl.) No.7263/2011)

KAILASH SINGH & ANR. Appellant(s)
:VERSUS:
STATE OF BIHAR & ANR. Respondent(s)

O R D E R

Leave granted.

Learned counsel for the parties agree that subsequent to the order having been passed by the Trial Court, the girl, namely Usha Kumari, who was supposed to have been killed, has been actually recovered. It appears that the appellants were absent when the matter was taken up for hearing by the High Court. Consequently, the fact of the recovery of the girl was not brought to the notice of the High Court.

In our considered opinion, instead of going into the merits of the present appeal, it would be appropriate to remit the matter back to the High Court for reconsideration in view of the subsequent events brought on record now. Accordingly, the order dated 9.11.2010 passed by the High Court in Criminal Miscellaneous No.33085 of 2007 is hereby is quashed and set aside and the matter is remitted to the High Court for reconsideration on the basis of the subsequent facts as brought on record before this Court.

This appeal is accordingly disposed of.

.....J
(SURINDER SINGH NIJJAR)

.....J
(H.L. GOKHALE)

New Delhi;
August 31, 2012.

ITEM NO.6

COURT NO.12

SECTION IIA

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 (Cr1) No(s).7263/2011

(From the judgement and order dated 09/11/2010 in CRLM No.33085/2007 of the HIGH COURT OF PATNA)

KAILASH SINGH & ANR.

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 31/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Anupam Lal Das,Adv.

For Respondent(s) Mr. Manish Kumar,Adv.
Mr. Gopal Singh,Adv.

Mr. Subhro Sanyal,Adv.

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

Leave granted.

The impugned order dated 9.11.2010 passed by the High Court

is quashed and set aside, the matter is remitted to the High Court for reconsideration and the appeal is disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(Signed order is placed on the file)