

&  
SLP(Crl.)No. 6387 OF 2001  
ITEM No.206

Court No.11

SECTION II  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 6387/2001  
(From the judgement and order dated 03/05/2001 in CRLR. 1023/93  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

S.K. AGARWAL

Petitioner (s)

VERSUS

MANOJ DALMIA & ANR.  
(With appln.(s) for exemption from filing O.T.)  
(For final disposal)

Respondent (s)

With

SLP(Crl.)No.6388/2001,SLP(Crl.)No.6389/2001  
( With Appln(s). for exemption from filing O.T.)  
( For Final Disposal )

Date : 15/11/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Dushyant Dave, Sr.Adv.  
Mrs. Shiraz Contractor Patodia,Adv.  
Mr. Amaresh Singh, Adv.

For Respondent (s) Mr. Rakesh Dwivedi, Sr.Adv.  
Mr. Sunil Gupta, Sr. Adv.  
Mr. Rajan Narain,Adv.  
Mr. Arvind Varma, Adv.  
Mr. Siddharth Dave, Adv.  
Ms. Vandana Chugh,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

Heard learned counsel for the parties for two  
hours.

Exemption allowed.  
Leave granted.

The appeals are allowed in terms of the signed  
order.

.SP1

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Signed order is placed on the file]

.PL56

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2002@@  
CC  
(ARISING OUT OF SLP (CRIMINAL) NO.6387 OF 2001)

S.K. AGARWAL

APPELLANT

VERSUS

MANOJ DALMIA & ANR.

RESPONDENTS

WITH@@  
CCCC

CRIMINAL APPEAL NO. OF 2002@@  
CC  
(ARISING OUT OF SLP (CRIMINAL) NO.6388 OF 2001)

AND@@  
CCC

CRIMINAL APPEAL NO. OF 2002@@  
CC  
(ARISING OUT OF SLP (CRIMINAL) NO.6389 OF 2001)

O R D E R@@  
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.SP2

Leave granted.

These appeals are directed against orders passed by the High Court. The High Court has confirmed orders of the Sessions Judge quashing orders of the Magistrate summoning the accused.

We have heard the parties in great detail. In our view, this is not a case where, at this stage, the order for summoning the accused could have been quashed. We do not want to record any reasons for coming to this conclusion as, if we do so, it is likely to prejudice one or the other party. In the view that  
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we have taken i.e. that the order of the Magistrate could not have been quashed, we set aside the order of the Sessions Judge as well as of the High Court. We remit back the matter to the Magistrate to proceed in accordance with law.

Considering the fact that the complaint was filed as far back as in the year 1991, we direct the Magistrate to proceed as expeditiously as possible and to dispose of the same within a period of one year from today.

The appeals are accordingly allowed.

.SP1

.....J.  
(S.N. Variava)

.....J.  
(B.N. Agrawal)

New Delhi,  
November 15, 2002.