

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 393 OF 2010

GEWAR CHAND KANOONGO

.. APPELLANT (S)

VERSUS

MOHAN BHATIA & ORS.

..RESPONDENT (S)

WITH

CRIMINAL APPEAL NO. 394/2010

O R D E R

Heard learned counsel for the parties.

It is submitted by the learned counsel for the appellants that respondent no. 1 has died. His statement is taken on record. Therefore, in so far as respondent no. 1 is concerned, the appeals abate. In respect of other respondents, who are accused, the High Court, after considering the factual and legal rival contentions and catena of decisions of this Court, has held that the case is of civil nature and therefore,

the criminal proceedings against the respondents are not maintainable.

Having regard to the facts and circumstances of the case, the material available on record and the rival legal submissions, we are in respectful agreement with the view taken by the High Court in quashing the proceedings by recording valid and cogent reasons. Since the conclusions arrived at by the High Court are in conformity with the principles of law, we do not find any good reason to interfere with the impugned judgment and order passed by the High Court and we are satisfied that it is not a fit case for our interference.

In view of the above, the appeals are dismissed.

.....J.
(V. GOPALA GOWDA)

.....J.
(R. BANUMATHI)

NEW DELHI,
FEBRUARY 12, 2015

ITEM NO.4

COURT NO.12

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

Criminal Appeal No(s). 393/2010

GEWAR CHAND KANOONGO

Appellant(s)

VERSUS

MOHAN BHATIA & ORS.

Respondent(s)

(with office report)

WITH

Crl.A. No. 394/2010

(With Office Report)

Date : 12/02/2015 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MRS. JUSTICE R. BANUMATHIFor Appellant(s) Mr. Sanjeeb Panigrahi, Adv.
Mr. Anil Bhandari, Adv.
Mr. Vikas Mehta, Adv.

Mr. Milind Kumar, Adv.

For Respondent(s) Mr. Prabhjit Jauhar, Adv.
Ms. Anupama Kant, Adv.
Mr. S. S. Jauhar, Adv.Mr. Shiv Mangal Sharma, AAG
Mr. Akshat Anand, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.

(VINOD KR. JHA)
COURT MASTER(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)