

ITEM NO.1506
(For Judgment)

COURT NO.4

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). 1294/2023
@ SLP (Cr1) No. 4394/2021

BOHATIE DEVI (DEAD) Through LR

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

([HEARD BY: HON. M.R. SHAH AND HON. C.T. RAVIKUMAR, JJ.]
IA No. 70493/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 146521/2021 - EXEMPTION FROM FILING O.T.
IA No. 70494/2021 - EXEMPTION FROM FILING O.T.
IA No. 129516/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

Cr1.A. No. 1295/2023 (II) @ SLP (Cr1) No. 7708/2021
(IA No. 129767/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 129768/2021 - EXEMPTION FROM FILING O.T.)

Date : 28-04-2023 These matters were called on for pronouncement of
Judgment today.

For Parties

Mr. Rameshwar Singh Malik, Sr. Adv.
Mr. Harikesh Singh, Adv.
Mr. Satyendra Kumar, AOR

Mr. S Nagamuthu, Sr. Adv.
Mr. Jitesh Malik, Adv.
Mr. R Sudhakaran, Adv.
Mr. Satish Kumar, AOR

Mr. Ardhendumauli Kumar Prasad, A.A.G.
Mr. Sarvesh Singh Baghel, AOR
Mr. Sidharth Sengar, Adv.
Ms. Deepeika Kalia, Adv.

Mr. Atul Kumar, Adv.
Mr. Abhimanyu Sharma, Adv.
Mr. Arun Gaur, Adv.
Ms. Deepali, Adv.

Contd..

Mr. Tarun Gupta, AOR

Mr. S Nagamuthu, Sr. Adv.

Mr. Jitesh Malik, Adv.

Mr. R Sudhakaran, Adv.

Mr. Satish Kumar, AOR

Hon'ble Mr. Justice M.R. Shah has pronounced the reportable judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice C.T. Ravikumar.

The Operative portion of the judgment reads as under -

"In view of the above and for the reasons stated above, the present appeal succeeds. The impugned judgment and order passed by the High Court is hereby quashed and set aside. Consequently, order dated 13.02.2019 passed by the Secretary (Home) impugned before the High Court, by which, the Secretary (Home), State of U.P., Lucknow ordered for reinvestigation by CBCID of Case Crime No. 1069/2014 under Sections 302 and 120B of IPC, Police Station Baraut, District, is hereby quashed and set aside. Consequently, further investigation /reinvestigation by the CBCID is also hereby quashed and set aside. However, it is observed that all the defences which may be available to the accused are to be considered by the learned Trial Court at the time of trial. Present appeal is accordingly allowed.

As we have allowed Criminal Appeal arising out of SLP (Crl.) No. 4394/2021 filed by the mother of the deceased (now dead through LR), connected Criminal Appeal arising out of SLP (Crl.) No. 7708/2021 filed by original accused Nos. 6 and 7 against issuance of non-bailable warrants against them stands dismissed."

Pending applications, if any, stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(signed reportable judgment is placed on the file)

