

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.5403 OF 2024
(Arising out of S.L.P.(Criminal) No.10536 of 2023)

SANUJ BANSAL ... APPELLANT(S)

VS.

STATE OF UTTAR PRADESH & ANR. ... RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel appearing for the parties.

A charge-sheet was filed against the appellant for the offences punishable under Sections 272, 273 and 304 of the Indian Penal Code, 1860 and Section 60(A) of the Uttar Pradesh Excise Act. An application for discharge was made by the appellant before the Trial Court. The Trial Court rejected the application.

Being aggrieved by the order of rejection of the discharge application, the appellant preferred a petition under Section 482 of the Code of Criminal Procedure, 1973 before the High Court. By the impugned order, the High Court has rejected the petition.

What was challenged before the High Court was an order of the Trial Court refusing to grant discharge to the appellant. There were number of statements of the witnesses recorded which were a part of the charge-sheet. There were documents which were a part of the charge-sheet. The High Court has not adverted to a single statement of the witnesses and other material forming a part of the charge-sheet. This was not a case for summary dismissal of the petition filed by the appellant.

Accordingly, we set aside the impugned order dated 1st March, 2023 and restore application under Section 482 No.40808 of 2022 to the file of the High Court. The restored petition shall be listed before the roster Bench on 24th January, 2025 in the morning. The parties who are present today shall be under an obligation to appear before the High Court on that day. The High Court shall fix an appropriate date for final hearing of the restored petition.

Till the disposal of the restored petition, the interim order dated 3rd November, 2023 passed by this Court will continue to operate.

All questions on merits are left open to be decided by the High Court.

The appeal is accordingly partly allowed on the above terms.

.....J.
(ABHAY S.OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
December 17, 2024.

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). 10536/2023

[Arising out of impugned final judgment and order dated 01-03-2023 in A482 No. 40808/2022 passed by the High Court of Judicature at Allahabad]

SANUJ BANSAL

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(and I.R.

IA No. 158059/2023 - EXEMPTION FROM FILING O.T.)

Date : 17-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s)

Ms. Anushri Singh, Adv.
Mr. Ashish Kumar Pandey, Adv.
Ms. Arpita Bector, Adv.
Ms. Devangna Singh, Adv.
Mr. Boudhik Garg, Adv.
Ms. Rashmi Singh, AOR

For Respondent(s)

Ms. Garima Prashad, Sr. Adv.
Mr. Sarvesh Singh Baghel, AOR
Mr. Divyanshu Sahay, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed
order.

Pending application also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)