

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 473-474 OF 2017
(Arising out of SLP(Crl.)Nos.
4721-4722/2016)

MADHU GUPTA ..APPELLANT(S)

VERSUS

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

O R D E R

Leave granted.

These appeals are directed against the order passed by the High Court Madhya Pradesh in CR.R. No. 37 of 2015 dated 09.09.2015 and order passed by the Special Judge, P.C. Act, Ratlam (M.P.)in Special Case No. 02/2014 dated 02.03.2016.

The only grievance made by learned counsel for the appellant is that though it was found by the Sessions Court that she is not entitled to be summoned under section 319 of the Cr.P.C., the High Court has set aside that order in revision without notice to the

appellant and therefore, without hearing her.

Learned counsel for the State has not been able to controvert this fact. In the circumstances, we set aside the impugned orders and remand the matter back to the High Court for a fresh decision in accordance with law after hearing the appellant.

The appeals are allowed accordingly.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
MARCH 06, 2017.

ITEM NO.46

COURT NO.9

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

Petitions for Special Leave to Appeal (Crl.) Nos. 4721-4722/2016

(Arising out of impugned final judgment and order dated 09/09/2015 in CRR No. 37/2015 02/03/2016 in SCN No. 02/2014 passed by the Id. Special Judge, Ratlam)

MADHU GUPTA

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH AND ANR.

Respondent(s)

(With interim relief and office report)
(FOR FINAL DISPOSAL)

Date : 06/03/2017 These petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. J.K. Das, Sr. Adv.
Mr. Kanu Agrawal, Adv.
Mr. Sandeep Devashish Das, Adv.

For Respondent(s) Mr. Naveen Sharma, Adv.
Mr. Mishra Saurabh, Adv.

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

Leave granted.

The appeals are allowed in terms of the
signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Pokhriyal]
Court Master

[Signed order is placed on the file]