

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1271 OF 2019
(Arising out of SLP (CrI.) No.5335/2019)

M/s. PEPS INDUSTRIES PVT. LTD.

Appellant

VERSUS

M/s. SRI SAIRAM ENTERPRISES & ORS.

Respondents

O R D E R

On 05.07.2019, following order was passed by this Court:

"Mr. K.K. Mani, learned counsel for the petitioner invited our attention to the notice (at page nos.61 and 62 of the paperbook) issued by Mr. Bharat Kumar & Associates, Advocates on 11.01.2019 indicating that the matter would be taken up for hearing on 08.03.2019 but the matter was taken up on 05.03.2019 and was decided *ex parte* against the present petitioner.

Issue notice, returnable on 09.08.2019.

Dasti service, in addition, is permitted."

Ms. Madhusmita Bora, learned counsel for the respondent did not controvert the facts as spelt out in the above quoted portion of the order.

In the circumstances, we allow this appeal, set-aside the order passed by the High Court and restore Criminal O.P. No.303 of 2019 to the file of the High Court.

We request the High Court to dispose of the Criminal O.P.
No.303 of 2019 as early as possible.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

NEW DELHI;
AUGUST 23, 2019

ITEM NO.44

COURT NO.8

SECTION II-C

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 for Special Leave to Appeal (Cr1.) No.5335/2019

(Arising out of impugned final judgment and order dated 05-03-2019 in CRLOP No.303/2019 passed by the High Court Of Judicature At Madras)

M/s. PEPS INDUSTRIES PVT. LTD.

Petitioner

VERSUS

M/s. SRI SAIRAM ENTERPRISES & ORS.

Respondent

(FOR ADMISSION and I.R.; and, IA No.90683/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 23-08-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. K. K. Mani, AOR
Ms. T. Archana, Adv.

For Respondent(s) Ms. Madhusmita Bora, AOR
Mr. Pawan Kishore Singh, Adv.
Mr. Dipankar Singh, Adv.

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

Leave granted.

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

Pending application(s), if any, shall stand disposed.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(Signed Order is placed on the File)