

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 371 OF 2020

[ARISING OUT OF SPECIAL LEAVE PETITION (CRIMINAL) NO.6674 OF 2018]

NIRAJ KUMARPALBHAI SHAH

PETITIONER(S)

VERSUS

THE STATE OF GUJARAT & ORS.

RESPONDENT(S)

ORDER

Leave granted.

We have heard learned counsel for the parties.

The present appeal assails the order dated 05.03.2018 by which the High Court has directed further investigation by the Assistant Commissioner of Police and has also directed that a fresh report be obtained from the Central Forensic Science Laboratory at Hyderabad with regard to the disputed signatures.

Considering the entire conspectus of the matter at this stage, we are satisfied to order that, that part of the order of the High Court which directs that a fresh report to be obtained from the Central Forensic Science Laboratory only is set aside. A Report has already been obtained from the Gandhi Nagar State Forensic Science Laboratory. The High Court has not assigned any reason why the report of the State Forensic Science Laboratory was not acceptable. The direction for further investigation calls for no interference. This shall not denude the power of the Magistrate

to obtain a fresh report, for reasons recorded to his satisfaction during the trial.

The appeal is allowed only to the extent indicated.

.....J.
(NAVIN SINHA)

.....J.
(KRISHNA MURARI)

NEW DELHI;
MARCH 02, 2020

ITEM NO.22

COURT NO.15

SECTION II-B

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 (Crl.) No(s). 6674/2018

(Arising out of impugned final judgment and order dated 05-03-2018 in CRLA No. 7763/2017 passed by the High Court of Gujarat at Ahmedabad)

NIRAJ KUMARPALBHAI SHAH

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

(NTBD CHIEF COURT MENTIONING DTD 14.02.2020.

IA No. 97868/2019 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 97872/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-03-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Maninder Singh ,Sr.Adv.
Mr. Purvish Jitendra Malkan, AOR
Mr.Gurusharan H.Virk ,Adv.
Ms. Aastha Mehta ,Adv.
Mr. Alok Sharma ,Adv.
Ms. Dharita Purvish Malkan ,Adv.
Mr. Niraj Kumar P. ,Adv.
Ms. Neha Ambashtha ,Adv.

For Respondent(s) Mr. K.V.Vishwanathan ,Sr.Adv.
Mr. Samir Malik, AOR

Dr. Abhishek Manu Singhvi ,Sr.Adv.
Mr. Kirat Singh Nagra ,Adv
Mr. Kartik Yadav ,Adv
Mr. Manhar Singh Saini ,Adv
Mr. Karanvir Singh Goraya,Adv
Mr. Surya Kant, AOR

Mr. Aman Lekhi ASG
Mr. Saurabh Mishra ,Adv
Ms. Aakanksha Kaul ,Adv
Mr. Manek Singh, Adv.
Mr. B. Krishna Prasad, AOR

Mr. Aniruddha P. Mayee, AOR
Mr. A.Rajarajan ,Adv

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

Leave granted.

We have heard learned counsel for the parties.

The appeal is allowed in terms of signed order.

Pending applications, if any, shall stand disposed of.

(RAJNI MUKHI)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file)