

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2116 OF 2017
(Arising out of S.L.P.(Cr1.) No.8037 of 2017)

Praveen Kumar

Appellant(s)

Versus

Deputy Superintendent of Police
and Another

Respondent(s)

O R D E R

Leave granted.

Heard Mr. Guru Krishna Kumar, learned senior counsel for the appellant and Mr. Mubashir Mushtaq, learned counsel for the respondent No.2 and Mr. M. Yogesh Kanna, learned counsel for the respondent No.1.

Learned senior counsel for the appellant has urged a singular point that once the appellant has been arrayed as an accused by the learned Magistrate, the High Court should have afforded an opportunity of hearing to the appellant under Section 482 of the Code of Criminal Procedure. Learned counsel for the appellant further urged that the High Court could not have directed for any investigation and for the said purpose he has relied on the decision in Amrutbhai Shambubhai Patel vs. Sumanbhai Kantibhai Patel and Others (2017) 4 SCC 177.

Mr. Mubashir Mushtaq, learned counsel for the respondent No.2, *per contra*, would submit that the High Court

has justifiably directed for reinvestigation, which can be called further investigation. For the aforesaid purpose, he has drawn our attention to the decisions rendered in Samaj Parivartan Samudaya and Others vs. State of Karnataka and Others (2012) 7 SCC 407 and Chandra Babu vs. State and Others (2015) 8 SCC 774.

After perusal of the aforesaid judgments, we find that they all are distinguishable and, accordingly, we distinguish the same. In our considered opinion, the High Court should have afforded an opportunity of hearing to the appellant and, therefore, we are inclined to allow the appeal and set aside the order passed by the High Court and, accordingly, it is so ordered.

Resultantly, the appeal is allowed and the matter is remitted to the High Court with a request to dispose of the application within three months hence. Be it clarified, we have not expressed any opinion on the merits of the case.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi
December 07, 2017.

ITEM NO.4

COURT NO.1

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(s) for Special Leave to Appeal (CrI.) No.8037/2017

(Arising out of impugned final judgment and order dated 16-08-2017 in CRLP No. 26285/2016 passed by the High Court of Judicature at Madras)

PRAVEEN KUMAR

Petitioner(s)

VERSUS

DEPUTY SUPERINTENDENT OF POLICE & ANR.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T. and permission to file lengthy list of dates)

Date : 07-12-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Guru Krishna Kumar, Sr. Adv.
Mr. V.N. Subramaniam, Adv.
Mr. Anzu. K. Varkey, AOR

For Respondent(s) Mr. M. Yogesh Kanna, AOR
Ms. Sujatha Bagdhi, Adv.
Mr. Ragunatha Sethupathy, Adv.

Mr. Mubashir Mushtaq, Adv.
Waize Ali Noor, Adv.
Mr. Satish Kumar, AOR

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.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)