

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 257 OF 2017
(Arising out SLP (Crl.) No. 9476 of 2015)

DINESH KUMAR & ANR.

Appellant (s)

VERSUS

STATE OF PUNJAB

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard learned counsel appearing for the parties.
- 3) Learned counsel appearing on behalf of the appellants by taking us through the order passed by the High Court submit that they have not been given any opportunity of hearing before the High Court.
- 4) We have considered the impugned order passed by the High Court.
- 5) In view of the submission made and having regard to the fact that the appellants have not been given any opportunity of being heard, we find that the reasoning given by the High Court cannot be accepted and the same is not sustainable in the eye of law and hence the order so passed by the High Court is set aside with regard to the appellants herein.
- 6) Accordingly, while setting aside the order passed by the High Court, we remit the matter to the High Court with a request to dispose of the same as expeditiously as possible. Any

observations made by us shall not stand in the way of the High Court to decide the matter on merits.

7) The appeal is disposed of on the above terms.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(ROHINTON FALI NARIMAN)

New Delhi;
February 06, 2017.

ITEM NO.51

COURT NO.6

SECTION IIB

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). 9476/2015

(Arising out of impugned final judgment and order dated 22/04/2015 in CRA No. 339/2004 passed by the High Court Of Punjab & Haryana At Chandigarh)

DINESH KUMAR & ANR.

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(with interim relief and office report)

Date : 06/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Aditya Singh, Adv.
Mr. M. P. Shorawala, AOR
Mr. Rajiv Singh, Adv.

For Respondent(s) Mr. V. Madhukar, AAG
Ms. Anvita Cowshish, Adv.
Ms. Sunita Sharma, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(R. NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)