

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.216 OF 2020
(Arising out of S.L.P.(Criminal) No.827 of 2020)

SHIKHER BHANDARI ... APPELLANT(S)

VS.

STATE OF U.P. & ORS. ... RESPONDENT(S)

O R D E R

1. Leave granted.
2. We have heard learned counsel for the parties.
3. Without getting into the merits of the controversy which has been raised before the High Court resulting in a finding that the petition under Section 482 of the Criminal Procedure Code (Cr.P.C.) would not be maintainable, we are of the view that the purpose could have been served by merely converting that petition into one under Article 226 of the Constitution of India instead of an elaborate order why petition under Section 482 Cr.P.C. is not maintainable.
4. We make it clear that we are not even giving our imprimatur to the impugned order, we are thus permitting conversion of the petition of the appellant filed before the High Court under Section 482 Cr.P.C. to a petition filed under Article 226 of the Constitution of India thereafter be placed before the concerned roster Bench, to be decided on the basis of existing pleadings.

5. List before the concerned Judge on 12th February, 2020 before the High Court.
6. The appeal stands disposed of in view aforesaid.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[S.RAVINDRA BHAT]

New Delhi;
February 3, 2020.

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 (Cr1.) No(s). 827/2020
(Arising out of impugned final judgment and order dated 03-12-2019
in Appln. under Section 482 No. 44382/2019 passed by the High Court
of Judicature at Allahabad)

SHIKHER BHANDARI

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.18394/2020-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.18393/2020-EXEMPTION FROM
FILING O.T. and IA No.18392/2020-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 03-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Neeraj Malhotra, Sr. Adv.
Mr. P. N. Puri, AOR
Mr. Naresh Khanna, Adv.
Mrs. Reeta Dewan Puri, Adv.
Mr. J.S. Marahatta, Adv.

For Respondent(s) Mr. V.K. Garg, Sr. Adv.
Mr. Ajay Kumar Singh, AOR
Mr. Pankaj Kumar Rai, Adv.
Mr. Ramesh Kumar Tiwari, Adv.

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

Heard learned counsel for the parties.

Leave granted.

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

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file.)