

## IN THE SUPREME COURT OF INDIA

## CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.001380 OF 2017  
(Arising out of SLP(Cr1.) No.9861 of 2014)

NARGIS BEGUM

....APPELLANT(S)

VERSUS

MOHD. AKEEL KHAN &amp; ANR.

....RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel appearing for the parties and perused the record.

The appellant filed an application under section 125 of the Code of Criminal Procedure (for short, the 'Cr.P.C.') seeking maintenance which was rejected by the trial court. Being aggrieved, the appellant preferred revision petition before the learned Additional Sessions Judge (Fast Track), Jhalawar, Rajasthan, which was also dismissed. Thereafter, the appellant approached the High Court by filing a petition under section 482 Cr.P.C. challenging the order of the learned Additional Sessions Judge (Fast Track), Jhalawar, Rajasthan. None appeared for the appellant and the High Court dismissed the said petition after hearing the respondents and giving the liberty to the appellant to approach the Court again, if she desires. The appellant filed another petition under

section 482 Cr.P.C., challenging the order dated 29.11.2007 passed by the Additional Sessions Judge (Fast Track), Jhalawar, Rajasthan. By the impugned order dated 25.03.2014, the High Court dismissed the said petition on the ground that the earlier petition filed by the appellant was dismissed vide order dated 03.03.2012.

As the High Court did not take note of the earlier order wherein liberty was given to the appellant to approach the High Court, we are of the considered opinion that the matter should be remanded back to the High Court for a decision afresh on merit.

We order accordingly.

The High Court may consider disposing of the petition filed under section 482 of the Cr.P.C. expeditiously.

With the aforesaid directions, the appeal stands disposed of.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

NEW DELHI;  
AUGUST 08, 2017.

ITEM NO.45

COURT NO.8

SECTION II

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).9861/2014

(Arising out of impugned final judgment and order dated 25-03-2014 in SBCRM No.919/2013 passed by the High Court Of Rajasthan At Jaipur)

NARGIS BEGUM

Petitioner(s)

VERSUS

MOHD. AKEEL KHAN &amp; ANR.

Respondent(s)

Date : 08-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Ms. Aishwarya Bhati, AOR  
Ms. Rubina Jawed, Adv.  
Ms. Heena Khan, Adv.  
Mr. Jaideep Singh, Adv.  
Ms. Ritu Apurva, Adv.  
Ms. Taneja Patra, Adv.

For Respondent(s) Mr. Raj Kishor Choudhary, AOR  
Mr. Shakeel Ahmed, Adv.  
  
Mr. Anish Maheshwari, Adv.  
Ms. Farha Malik, Adv.  
For Mr. Milind Kumar, AOR

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

Leave granted.

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

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)  
BRANCH OFFICER

(Signed Order is placed on the file)