

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2033 OF 2017

(Arising out of SLP (Criminal) No. 937 of 2017)

SHIV LAL & ORS.

Appellants

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondents

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The admitted position on record is that the petition filed by respondent No. 2 under Section 482 of the Code of Criminal Procedure has been allowed by the High Court without even issuing notice to the appellants herein.

When such an order prejudicially affects the rights of the appellants, they should have been heard in the matter. On this ground alone, we set aside the impugned order and remit the case to the High Court for fresh consideration after giving hearing to the appellants as well.

The appeal stands allowed.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ ASHOK BHUSHAN ]

New Delhi;  
November 27, 2017.

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. 937/2017

(Arising out of impugned final judgment and order dated 26-07-2016 in CRLMA No. 21607/2016 passed by the High Court of Judicature at Allahabad)

SHIV LAL & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(With IA No.96091/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 27-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Yasharth Kant Srivastava, Adv.

Mr. Krishnam Mishra, Adv.

Mr. Anas Tanwir, Adv.

Mr. Shashank Singh, Adv.

Dr. Vinod Kumar Tewari, AOR

For Respondent(s)

Mr. Ankur Prakash, Adv.

Mr. D. K. Goshwami, Adv.

Mr. Adarsh Upadhyay, AOR

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

Leave granted.

The appeal stands allowed in terms of the signed order.

(NIDHI AHUJA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER

[Signed order is placed on the file.]