

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2216/2022
[Special Leave to Appeal (Crl.) No(s). 11581/2022]

KALEEMULLAH

Appellant(s)

VERSUS

MEHROZ JAFRI

Respondent(s)

O R D E R

Leave granted.

Having heard learned counsel for the parties and having perused the material placed on record, we are clearly of the view that the order impugned cannot be sustained for two major reasons:

First, in the absence of the revisionist, the High Court proceeded to dismiss the Revision Petition without even adopting any other course including taking assistance of *Amicus Curiae* for projection of all the relevant factors of the matter. Secondly, it is difficult to find from the order impugned if the High Court has dealt with any of the relevant factors related to the merits of the case because after mere reproduction of the order under challenge, the High Court stated its conclusion to approve the same. The dismissal of the Revision Petition in this manner is difficult to be approved.

Therefore, this appeal succeeds and is allowed to the extent and in the manner that the impugned order dated 29.03.2022 is set aside and Criminal Revision No.82 of 2011 is restored for reconsideration of the High Court in accordance with law.

The parties through their respective counsel shall stand at notice to appear before the High Court in the restored Criminal Revision No.82 of 2011 on 17.01.2023.

It goes without saying that the option of exploring the possibility of settlement always remains open for the parties.

.....J.
[DINESH MAHESHWARI]

.....J.
[HRISHIKESH ROY]

New Delhi;
December 7, 2022.

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). 11581/2022

(Arising out of impugned final judgment and order dated 29-03-2022 in CRLR No. 82/2011 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

KALEEMULLAH

Petitioner(s)

VERSUS

MEHROZ JAFRI

Respondent(s)

(FOR ADMISSION and I.R. and IA No.159203/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.159205/2022-EXEMPTION FROM FILING O.T. and IA No.159207/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-12-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Mahesh Kumar Tiwari, Adv.
Mr. Bishnu Prasad Tiwari, Adv.
Mr. Unesh Prasad, Adv.
Mr. Rajnish Kumar Jha, AOR
Ms. D. Gogai, Adv.

For Respondent(s) Mr. Akshay Sapre, Adv.
Mr. Abhijeet Swaroop, Adv.
Ms. Ayushi Chauarasia, Adv.
Mr. Vinam Gupta, 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.

All pending applications also stand disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(MONIKA DEY)
BRANCH OFFICER

[Signed order is placed on the file]