

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1671 OF 2010
ARISING OUT OF SPECIAL LEAVE PETITION (CRL.) NO. 6232 OF 2009**

SURENDRA SINGH CHAUHAN APPELLANT

VERSUS

PRABAL PRATAP SINGH & ANR. RESPONDENT

O R D E R

1. Leave granted.
2. We have heard the learned counsel for the parties. We are of the opinion that the observations of the High Court that the incident did not appear to be true, was without basis as there was no evidence as the Court had only taken cognizance in the proceedings. There also appears to be another contradiction in the proceedings in the present matter. At one stage the complaint had been dismissed on merits and a revision taken to the High Court had resulted in its revival and the matter remitted to the trial court. The trial court had thereafter taken cognizance and those proceedings have been quashed by the High Court on the premise that there was no material against the accused.

We, accordingly, allow this appeal, set aside

the order of the High Court dated 23rd April, 2009 and remit the case to the trial court. It would be open to the accused to raise all pleas at the time of the framing of charges.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI;
AUGUST 06, 2010.

