

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 725 OF 2008

[Arising out of SLP(Crl.) No. 4569/2006]

UNION OF INDIA

... APPELLANT(S)

:VERSUS:

SUMER DAN AND ANR.

... RESPONDENT(S)

ORDER

Leave granted.

This appeal is directed against a judgment and order dated 28.4.2006 of the High Court whereby and whereunder the order of conviction passed as against the respondent No.1 was directed to remain suspended till 31.7.2006.

It appears that after the order of conviction dated 21.12.2005 and the impugned order of the High Court dated 28.4.2006 was passed, the first respondent had applied for voluntary retirement from 5.5.2006. However, having regard to the order of conviction, the respondent No.1 has been dismissed from service on 9.5.2006.

Having heard Mr. A. Sharan, learned Additional Solicitor General and Mr. Francis, learned counsel appearing on behalf of respondent No.1, we are of the opinion that in the facts and circumstances of this case, it is not necessary for us to go into the correctness or otherwise of the impugned order as the main purpose for which the special leave petition was filed was for obtaining a protection from the order of dismissal from service passed as against respondent No.1. As the said order of dismissal has to be challenged in an appropriate proceedings by the first respondent on its own merit, we are not inclined to make any observation in relation thereto. Furthermore, as the impugned order was passed on 28.4.2006, we are of the opinion that interest of justice would be subserved if, keeping in view the passage of time, the High Court is requested to dispose of the criminal appeal itself as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order and we do so.

The appeal is disposed of with the aforementioned observation.

.....J
(S.B. SINHA)

.....J
(MUKUNDAKAM SHARMA)

NEW DELHI,
APRIL 16, 2008.