

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1344 OF 2012
(Arising out of SLP(Crl.) No.7263/2011)

KAILASH SINGH & ANR.

Appellant(s)

:VERSUS:

STATE OF BIHAR & ANR.

Respondent(s)

O R D E R

Leave granted.

Learned counsel for the parties agree that subsequent to the order having been passed by the Trial Court, the girl, namely Usha Kumari, who was supposed to have been killed, has been actually recovered. It appears that the appellants were absent when the matter was taken up for hearing by the High Court. Consequently, the fact of the recovery of the girl was not brought to the notice of the High Court.

In our considered opinion, instead of going into the merits of the present appeal, it would be

appropriate to remit the matter back to the High Court for reconsideration in view of the subsequent events brought on record now. Accordingly, the order dated 9.11.2010 passed by the High Court in Criminal Miscellaneous No.33085 of 2007 is hereby is quashed and set aside and the matter is remitted to the High Court for reconsideration on the basis of the subsequent facts as brought on record before this Court.

This appeal is accordingly disposed of.

.....J
(SURINDER SINGH NIJJAR)

.....J
(H.L. GOKHALE)

New Delhi;
August 31, 2012.