

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.813 OF 2009
(Arising out of S.L.P. (Crl) No. 4071/2006)

C.B.I.Appellant

Versus

Kartar Singh & Anr.Respondents

ORDER

1. Leave granted.
2. Mr. P.K. Ghosh, learned Senior Counsel appearing for the respondents submits on instruction that the respondents have already been dismissed from the service and in this view of the matter, the appeal has become infructuous. Mr. Ghosh also submits on instruction that against the order of the dismissal from service, an appeal has been taken before the appropriate forum which is still pending.
3. Mr. P.K. Dey, Learned Counsel appearing on behalf of the appellant therefore submits that the appellant does not want to proceed with this appeal. However, liberty was prayed to revive the appeal in case the appeal now pending against the order of dismissal from service is allowed and order of dismissal is set aside.

Such being the position, we dispose of this appeal having become infructuous. In interim order if any stands vacated.

In view of the fact that the appeal has been preferred against the order of dismissal which is pending, we make it clear that in the event the order of dismissal is set aside, in that case, it would be open to the appellant to revive this appeal.

However, we request the High Court to expedite the hearing of the appeal pending before it and dispose of the same at an early date without granting any unnecessary adjournment to either of the parties.

Accordingly the appeal is disposed of as infructuous.

.....J.
[Tarun Chatterjee]

New Delhi;
April 21, 2009.

.....J.
[V.S.Sirpurkar]

JUDGMENT

SUPREME COURT OF INDIA



JUDGMENT