

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1795 OF 2012
(@ SPECIAL LEAVE PETITION (CRL.) NO. 960 OF 2011)

PAWAN GUPTA & ORS.

APPELLANTS

VERSUS

STATE OF DELHI & ORS.

RESPONDENTS

O R D E R

1. Leave granted.

2. We have heard learned counsel for the parties to the *lis*.

3. This appeal is directed against the judgment and order passed by the High Court of Delhi in Criminal Revision Petition No. 643 of 2009, dated 24.01.2011. By the impugned judgment and order, the High Court, while allowing the Criminal Revision Petition filed by the private-respondents, has not only set aside the order passed by the learned Additional Sessions Judge in an application filed under Section 311 of the

Criminal Procedure Code as also the order of acquittal passed in Sessions Case No.73 of 2008, dated 19.12.2009.

4. Since we intend to grant permission to the private-respondents as well as to the State of NCT of Delhi to prefer appropriate appeal(s) against the judgment and order passed by the Sessions Court, which course is not opposed by the learned counsel, we are not going into the merits or demerits of the contentions canvassed by the learned counsel for both the parties, though we have some reservations on certain conclusions reached by the High Court in its order dated 24.01.2011.

JUDGMENT

5. Accordingly, we allow this appeal and set aside the impugned judgment and order passed by the High Court in Criminal Revision Petition No.643 of 2009, dated 24.01.2011. However, we reserve liberty to the private-respondents as well as to the NCT of Delhi, if they so desire, to prefer appropriate appeal(s) against the

judgment and order passed by the learned Sessions Judge in S.C.No.73 of 2008, dated 19.12.2009 within 30 days' time from today. If such an appeal(s) is filed within the time granted by this Court, we hope and trust that the High Court will dispose of the same on merits, without reference to the period of limitation. All contentions of both the parties are left open to be agitated in the appeals(s).

Ordered accordingly.



.....J.
(H.L. DATTU)

JUDGMENT

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
NOVEMBER 06, 2012