

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.230 OF 2009
(Arising out of S.L.P. (Crl.) No.757 of 2001)

Ravimakam

...Appellant(s)

Versus

Emilda Richards & Anr.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order, High Court quashed the prosecution of Emilda Richards and Richards Arokyaraj, respondents herein, under Sections 409 and 420 of the Indian Penal Code, 1860 only on the ground that by an order dated 17.8.1998 passed in Criminal O.P. No.3312 of 1998, prosecution of co-accused, L. Adaikalaraj, Pepsi Foods (P) Ltd., through its Managing Director and Ramesh Vangal was quashed. It is borne out from the record that the appellant had filed special leave petition against the order passed by the High Court in Criminal O.P. No.3312 of 1998 but criminal appeal arising out of SLP and connected matters were permitted to be withdrawn in view of the compromise arrived at between the parties.

....2/-

Having heard learned counsel appearing for the parties and perused the complaint, we are of the view that the High Court was not justified in quashing the prosecution of the respondents.

Accordingly, the appeal is allowed and impugned order is set aside. The Trial Court shall now proceed with the case so far as the respondents are concerned in accordance with law.

Needless to say that this order shall not, in any manner, affect the case of the parties during the trial.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
February 06, 2009.