

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1777 OF 2012
(@ SPECIAL LEAVE PETITION (CRL.) NO. 2635 OF 2012)

MRUNALINIDEVI PUAR

APPELLANT

VERSUS

M/S. GAEKWAD INVESTMENTS
CORP. PVT. LTD & ANR.

RESPONDENTS

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal is directed against the judgment and order passed by the learned Single Judge of the High Court of Gujarat at Ahmedabad in Special Criminal Application No. 183 of 2010, dated 10th August, 2011. By the impugned judgment and order, the High Court has set aside the order passed by the learned Chief Judicial Magistrate, dated 14th October, 2009, wherein the learned Magistrate had accepted 'C' Summary report filed by the investigating officer against the accused persons.

4. The complainant was the petitioner in Special Criminal Application No.183 of 2010. In the said application, he had called in question the correctness or otherwise of the orders passed by the learned Chief Judicial Magistrate, dated 14th October, 2009. The High Court, while allowing the said Criminal Application, has set aside the order dated 14.10.2009, which, in fact, is contrary to the provisions of Criminal Procedure Code, 1973 and in violation of Principles of Natural Justice. In our opinion, no adverse order could have been passed against a person without affording any opportunity of hearing to the person concerned. Since that has not been done by the High Court, we take exception to the judgment and order passed by the High Court.

5. Resultantly, we allow this appeal and set aside the order passed by the High Court in Special Criminal Application No.183 of 2010, dated 10th August, 2011. We remand the matter back to the High Court for fresh disposal of the Criminal Application

as per law. The High Court after affording opportunity of hearing to all the persons, including the appellant herein, shall dispose of the Criminal Application as expeditiously as possible. All the contentions of the parties are left open.

Ordered accordingly.

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

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

NEW DELHI;
NOVEMBER 05, 2012.

