

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1024 OF 2003

BHANWAROO KHAN

.....

APPELLANT

VERSUS



RAZAK
KHAN @
RAJU &
ORS.

.....

RESPONDENT

O R D E R

Heard the learned counsel for the parties.

The respondents herein were summoned by the Additional District and Sessions Judge, Deedwana (Rajasthan) by an order dated 31.05.2002 made on an application under Section 319 of the Code of Criminal Procedure. The application was a sequel to the statement of certain prosecution witnesses that had been recorded by the trial court. By the impugned order, the application was allowed

and the four respondents were duly sent up for trial for an offence punishable under Section 302 read with Section 498-A of the Indian Penal Code. Three of the aggrieved parties i.e. Razak Khan, Mena and Umaid Khan, respondents herein, thereafter moved the High Court by way of a Criminal Revision Petition. The High Court, has, vide its judgment dated 15th January, 2003, set aside the judgment and order of the Additional District and Sessions Judge, dated 31st May,



2002 and quashed the proceedings not only against the private respondents before us but also qua Ayub Khan, the husband of the deceased who was not even a petitioner before the High Court. The present appeal has been filed at the instance of Bhanwaroo Khan, the father of the victim.

We have gone through the order of the High Court and find that after perusing the evidence and the statements of

P.W. 5 - Ibrahim Khan, P.W. 9 - Bhanwaroo Khan and P.W. 10 - Shahzadi Bano, a finding has been recorded that there was no evidence whatsoever against any of the three revision petitioners before the High Court. We have also gone through the statements ourselves and notice that except for vague allegations and those relatable to Section 498-A of the IPC, no specific charges have been levelled.



We, accordingly, dismiss the appeal qua respondent nos. 1 to 3.

As already mentioned above, the husband of the deceased respondent No. 4 herein had not moved the High Court for seeking the quashing of the order under Section 319 of the Code of Criminal Procedure. The High Court, nevertheless, quashed the proceedings against him as well.

In the light of the fact that he was apparently not aggrieved by the order, it was not proper for the High Court to have quashed the proceedings against him.



We, accordingly, dismiss this appeal qua the respondent Nos. 1 to 3 and allow the same qua Ayub Khan, respondent No. 4.

The parties are directed to appear before the trial Court on 9th November, 2009.

Interim order stands vacated.



.....J
[HARJIT SINGH BEDI]

.....J
[DR. B.S. CHAUHAN]

NEW DELHI
AUGUST 20, 2009.