

**SUPREME COURT OF INDIA**

Dhan Kumar Jain

Vs.

Delhi Administration

S.L.P.(Criminal) No. 640 of 1976

(M. H. Beg and Jaswant Singh, JJ.)

12.11.1976

**ORDER**

1. This is an appeal by special leave granted by us today, the 12th November, 1976, against the order D/- 4-2-1976 in Criminal Misc. (Main) No. 1 of 1974 after notice to respondents. It was heard immediately by consent of both sides.

2. The validity of the commitment proceedings and the transfer of the case to the committing Magistrate are questioned by the appellant. We uphold the High Court's order in so far as it quashed the charges framed under Ss. 466 and 471/466, Indian Penal Code against the appellant. Nothing has been urged against that.

3. The High Court does not appear to have decided all the points raised. At any rate, it has not fully dealt with the matter in coming to its conclusions regarding the commitment of the appellant for an offence under Section 193, I. P. C. We need not mention all the questions of fact and law sought to be raised before us. They will, no doubt, be urged before the High Court which will in particular decide whether there was a legally valid order of transfer. If there is none, the proceedings may have

to be sent back to the Court from which a purported transfer was made.

4. We, therefore, set aside the High Court's order relating to commitment proceedings and remit the matter to High Court. The High Court will consider and decide now the question of validity of commitment proceedings for offences other than those under Sections 466 and 471, I. P. C. and will dispose of the matter in the light of the observations contained herein and in accordance with law. It will also be open to both the parties to raise all relevant questions of fact and law in respect of their cases before the High Court.

5. The appeal is accordingly disposed of.

Order accordingly.