

Khacheru Singh

Vs

State of Uttar Pradesh and Another

Special Leave Petition (Criminal) No. 496 of 1981

(E.S. Venkataramiah, Y.V. Chandrachud, A.D. Koshal JJ)

23.02.1981

ORDER

1. Heard counsel. Special leave granted.
2. We do not see any justification, though we are not expressing any opinion on the merits of the case, for the order passed by the learned Additional Sessions Judge, Meerut in Criminal Revision No. 83 of 1979, which was affirmed by the High Court of Allahabad by its order dated May 7, 1980. All that the learned Magistrate had done was to issue a summons to respondent 2 Satyavir Singh. If, eventually, the learned Magistrate comes to the conclusion that no offence was made out against Satyavir Singh, it will be open to him to discharge or acquit him, as the case may be. But it is difficult to appreciate why the order issuing 'summons' to the accused should be quashed. We, therefore, set aside the orders passed by the Sessions Court and the High Court, restore that of the learned Special Judicial Magistrate, First Class, Meerut, dated February 2, 1979 and remit the matter to the trial court for disposal in accordance with law.
3. The appeal shall stand disposed of in terms of this order.

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