

Jagdish Yadav

Vs

Ram Nandan Yadav and Others

Criminal Appeal No. 88 of 1988

(Ranganath Misra, M.M. Dutt JJ)

11.02.1988

ORDER

1. Special leave granted.

2. We are of the view that the High Court should not have interfered with the investigation made by the Criminal Investigation Department into the second FIR registered by Naya-Gaon P. S. Case No. 33 of 1986. In view of the fact that the two cases (being P. S. Cases No. 32 and 33 of 1986) related to the same incident it was open to the Magistrate after the two reports came to be placed before him to consider what action according to law is called for. Accordingly we set aside the order of the High Court but we leave it open to the trial court that if in course of trial, evidence appears against any specific person, the court would be free to deal with the situation according to the requirements of the Code of Criminal Procedure. The appeal is accordingly disposed of.

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