

Ashok Kumar Thakur @ Ashok Kumar Vs. State of Bihar and ors.

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Court : Supreme Court of India

Decided On : Dec-01-2008

Judge : Tarun Chatterjee and; V.S. Sirpurkar, JJ.

Acts : Code of Criminal Procedure (CrPC) - Section 482

Appeal No. : Criminal Appeal No. 1942 of 2008 (Arising out of SLP (Crl.) No. 2337 of 2007)

Appellant : Ashok Kumar Thakur @ Ashok Kumar

Respondent : State of Bihar and ors.

Disposition : Appeal allowed

Judgement :

1. Leave granted.
2. This appeal is directed against the order dated 8th of December, 2006 passed by the High Court of Judicature at Patna in Criminal Misc. No. 10662 of 2004, by which the learned Judge of the High Court had rejected an application under Section 482 of the Code of Criminal Procedure (in short, 'the Code').
3. We have heard the learned Counsel for the parties and have examined the impugned order and the materials on record including the application under Section 482 of the Code.

4. In our view, the High Court had passed the impugned order without applying its mind and without passing a reasoned and speaking order.
5. In this view of the matter only, we set aside the impugned order and the matter is remitted back to the High Court for fresh disposal after giving hearing to the parties and after passing a reasoned and speaking order in accordance with law.
6. It is expected that the High Court shall decide the said application under Section 482 of the Code within two months from the date of supply of a copy of this order to it without giving any unnecessary adjournments to either of the parties.
7. The impugned order is thus set aside and the appeal is allowed to the extent indicated above. There will be no order as to costs.