

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.818 OF 2017
(Arising out of S.L.P.(Crl.) No.4036 of 2016)

Sukhbir Singh Appellant(s)

Versus

Joginder Pal Singh Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

On a perusal of the order passed by the High Court of Delhi, we find that without issuing notice to the respondent, Crl.M.C. No.4791 of 2015 preferred under Section 482 Cr.P.C., has been allowed. The law is well settled that an adverse order could not have been passed without granting an opportunity of hearing to the affected party.

In view of the aforesaid, we allow the appeal, set aside the impugned order passed in Crl.M.C. No.4791 of 2015 and remit the matter to the High Court to decide it on its own merits. Be it stated, we have not expressed any opinion on any of the aspects of the case.

The appeal is disposed of accordingly.

.....J.
(Dipak Misra)

.....J.
[A.M. Khanwilkar]

New Delhi
April 28, 2017.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.4036/2016

(Arising out of impugned final judgment and order dated 27/11/2015 in CRLMC No. 4791/2015 passed by the High Court of Delhi at New Delhi)

SUKHBIR SINGH

Petitioner(s)

VERSUS

JOGINDER PAL SINGH

Respondent(s)

(With interim relief and office report)

Date : 28/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Ms. Madhavi Divan, Adv.
Mr. Manan Verma, Adv.
Ms. Diksha Rai, AOR
Ms. Kanika Saran, Adv.For Respondent(s) Mr. Mohit Paul, AOR
Mr. Gurmeet Singh, Adv.
Mr. Mehul Prasad, Adv.
Ms. Moulshree Shukla, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
order.(Chetan Kumar)
Court Master(H.S. Parasher)
Court Master

(Signed order is placed on the file)