
(2013) 12 RAJ CK 0048

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 609 of 2013

Vinod Agarwal @ Vinod Goyal

APPELLANT

Vs

State of Rajasthan and Another

RESPONDENT

Date of Decision : 06-12-2013

Acts Referred:

Citation : (2013) 12 RAJ CK 0048

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : S.R. Surana with Mr. Abhishek Bhargava for accused and Dr. Yogesh Gupta, for the Appellant; Peeyush Kumar, PP for State, for the Respondent

Final Decision : Allowed

Judgement

Mahesh Chandra Sharma, J.—This revision petition has been filed by the petitioner against the judgment dated 29.6.2013 passed by Additional Sessions Judge No. 6, Jaipur Metropolitan in Criminal Appeal No. 18/2012, whereby the appellate Court while allowing the appeal, set aside the judgment dated 4.12.2009 passed by Special Judicial Magistrate (N.I. Act Cases) No. 1, Jaipur City, Jaipur in Case No. 643/2009 (239/2007) and remanded the case to the trial court for passing the judgment fresh. Without going into the merits of the case, learned Sr. Counsel Mr. S.R. Surana assisted by Mr. Abhishek Bhargava has contended that Additional Sessions Judge No. 6, Jaipur Metropolitan while passing the judgment dated 29.6.2013 in Criminal Appeal No. 18/2012, has not considered the following judgments of Hon"ble Apex Court as well as of this Court:

- i) Krishna Janardhan Bhat Vs. Dattatraya G. Hegde,
- ii) C. Antony Vs. K.G. Raghavan Nair,
- iii) K. Prakashan Vs. P.K. Surenderan,
- iv) Kumar Exports Vs. Sharma Carpets,

v) Sanjay Mishra Vs. Kanishka Kapoor @ Nikki and Another,

vi) Ratan Lal Vs. State of Rajasthan,

2. He has requested to this Court the matter should be remanded to Additional Sessions Judge No. 6, Jaipur Metropolitan with the direction to decide the matter as a fresh in the light of the aforesaid judgments as also in the light of the arguments, which he would raise before the revisional court at the time of hearing the revision petition.

3. Learned counsel for the complainant-respondent has also requested to this Court that if this Court is remanding the matter, then Additional Sessions Judge No. 6, Jaipur Metropolitan be directed that while deciding the matter afresh, he should also be heard and the judgments to be cited by him at the time of arguments, should also be considered.

4. In view of above, this revision petition is allowed; the judgment dated 29.6.2013 passed by Additional Sessions Judge No. 6, Jaipur Metropolitan in Criminal Appeal No. 18/2012 is modified; and the matter is remanded to the Additional Sessions Judge No. 6, Jaipur Metropolitan with the direction to decide the matter as a fresh in the light of the aforesaid judgments and the arguments, which the learned counsel for the respective parties would raise before him at the time of hearing the revision petition. Both the parties are directed to appear before the Additional Sessions Judge No. 6, Jaipur Metropolitan, on 16.1.2014.