

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1008-1026 OF 2016
(Arising out of SLP(Crl.)Nos. 8258-8276 of 2015)

M/S. ARAFAT PETRO CHEMICALS PVT. LTD.

APPELLANT(S)

VERSUS

STATE OF RAJASTHAN & ANR & ETC.

RESPONDENT(S)

O R D E R

Leave granted.

We have heard the learned counsel for the parties at length finally at this stage.

The appellant herein had filed a complaint under Section 630 of the Companies Act, 1956 on the ground that the respondents herein who were allotted the company's accommodation as employees were in unauthorized occupation and were not vacating the premises. The Trial Court, after the trial, found substance in the aforesaid plea of the appellant and convicted the respondents under the aforesaid provisions. The learned Additional Sessions Judge upheld the said order. However, the High Court vide impugned judgment has set aside the order of the Trial Court as well as that of the Additional Sessions Judges and remanded the case back to the Trial Court with a direction to pass the judgment "in accordance with

law." The contention of the learned counsel for the appellant is that for taking the aforesaid course of action and setting aside the judgments of the courts below, the High Court has not given any reasons. We find substance in the aforesaid submission of the appellant. After taking note of the arguments, the High Court has concluded the matter in one paragraph which reads as follows:

"I heard the arguments of leaded councils of the both parties. I perused the judgements passed by both courts, material available on the record. The citations relied upon on behalf of the learned counsel of complainant were also perused. I hereby set aside the judgment dated 31/07/2010 passed by the VIIth Additional District and Sessions Judge (Fast Track), Jaipur Maha Nagar and I find it appropriate to give the direction to said court to re-hear the case and to pass the judgment in accordance with law."

As is clear from the above, no reasons are given by the High Court as to how the view taken by the courts below was wrong and what error was committed therein when the High Court says that the Trial Court should decide the case and "pass the judgment in accordance with law." The High Court should have at least spelled out what legal error was committed by the Trial Court or which aspects were not considered which needed consideration and adjudication.

We, thus, allow these appeals and set aside the judgment of the High Court on the aforesaid ground and remit back the cases to the High Court to decide these cases in accordance with law.

We are informed that similar revision petitions in respect of other employees have been heard by the High Court and judgment is reserved. It would be appropriate if these criminal revisions are posted before the same Bench. We make it clear that insofar as this Court is concerned, it has not made any observation on the merits of the case and all the contentions which can be raised by both parties are left open.

.....J.
[A.K. SIKRI]

.....J.
[N.V. RAMANA]

NEW DELHI;
OCTOBER 21, 2016

ITEM NO.62

COURT NO.9

SECTION II

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(s).
8258-8276/2015

(Arising out of impugned final judgment and order dated 02/09/2015
in CRLRP No. 908/2012 02/09/2015 in CRLRP No. 909/2012 02/09/2015
in CRLRP No. 919/2012 02/09/2015 in CRLRP No. 920/2012 02/09/2015
in CRLRP No. 921/2012 02/09/2015 in CRLRP No. 922/2012 02/09/2015
in CRLRP No. 923/2012 02/09/2015 in CRLRP No. 924/2012 02/09/2015
in CRLRP No. 925/2012 02/09/2015 in CRLRP No. 926/2012 02/09/2015
in CRLRP No. 927/2012 02/09/2015 in CRLRP No. 928/2012 02/09/2015
in CRLRP No. 929/2012 02/09/2015 in CRLRP No. 930/2012 02/09/2015
in CRLRP No. 931/2012 02/09/2015 in CRLRP No. 932/2012 02/09/2015
in CRLRP No. 969/2012 02/09/2015 in CRLRP No. 970/2012 02/09/2015
in CRLRP No. 971/2012 passed by the High Court Of Rajasthan At Jaipur)

M/S. ARAFAT PETRO CHEMICALS PVT. LTD.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR. & ETC.

Respondent(s)

(with interim relief and office report)

Date : 21/10/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Dushyant Parashar, Adv.
Mr. Gaurav Goel, Adv.

For Respondent(s) Mr. Subramonium Prasad, Sr. Adv.
Mr. Rahul Kumar, Adv.
Mr. Jay Kishor Singh, Adv.

Mr. Sarad Kumar Singhania, Adv.
Mr. Milind Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The criminals appeals are allowed in terms of the signed order.

Pending application(s), if any, shall be disposed of accordingly.

(Ashwani Thakur)

COURT MASTER

(Signed order is placed on the file)

(Mala Kumari Sharma)

COURT MASTER