

jktLo vihy i kf/kdkjh] Hkjri g

i hBkl hu vf/kdkjh %& Jh t0, u0eFkfj; k¼vkj0, 0, l 0½
vkj-l h, e, l 2017@00230
vihy l d; k 121@2017¼223vkj-Vh-, DV-½
muoku
1-eukst nRrd i e uRFkh tkfr ekyh fuokl h dLck dfgg rgl hy dfgg ftyk
Hkjri g ----- vihyk/

Ckuke

- 1-Hkjri i e dyvk tkfr ekyh fuokl h dLck dfgg rgl hy dfgg ftyk Hkjri g
- 2-yD[kks i e eyhjke tkfr ekyh fuokl h dLck dfgg rgl hy dfgg ftyk
Hkjri g
- 3-fugky fl g i e eyhjke tkfr ekyh fuokl h dLck dfgg rgl hy dfgg
ftyk Hkjri g

-----jLi kMhV
vihy fo:) fu.kz , oa fMØh rkjh[k 04-
11-99 U; k; ky; mi [k.M vf/kdkjh , oa
l gk; d dyDVj Hkjri g oepnes muokuh
eukst cuke eyhjke noh oxjkg]eql a
09@99

mifLFkr %& odhy vihyk/ Jh jktlnz fl g , M0

fu.kz

fnukd 21-05-2018

यह अपील अपीलार्थी द्वारा इस आश; dh पेश dh xbz gs fd
vkjktth [kl jk uEcj 3653@0-21] 3654@0-33] 3652@0-24] 3664@0-35]
3665@0-48] 3666@0-82] 3699@0-18] 3700@0-37] fdrk 8 jdok 2-89 g0 ea
l s57@160 fgLI k o [k0 u0 3974@0-87] 2648@0-17] 2646@0-22] 2647@0-
09 fdrk 4 jdok 1-35 gs okds dLck dfgg u0 2 rgl hy dfgg ftyk Hkjri g
ea fLFkr gA ftl s vkxs fookfnr vkjktth dgk x; kA fookfnr vkjktth ckr-
v/khuLFk U; k; ky; ds fuर्णय से व्यथित होकर यह अपील पेश dh xbz gA

vihy ntZjftLVj dh tkdj i R; Fkhk.k dks ryo fd; k x; k , oa
v/khuLFk U; k; ky; dh i=koyh exkbz xBA

, di {kh; cgl l qh xBA

nk\$ kus cgl odhy vihykFkhz us vihy us rF; ks dks nk\$ krs gq s
 fuonu fd; k fd vihykFkhz ds i{k ea v/khuLFk U; k; ky; us jkthukek i\$ek gks
 x; k FkA yfdu v/khuLFk U; k; ky; us jkthukek ds vk/kkj ij nkok Lohdkj uk
 dj dkuuh Hkny dh gA v/khuLFk U; k; ky; us nkok oknh l k{k ds vHkko ea
 iækf.kr ugha ekuk gA ftu i {kdkjka dks v/khuLFk U; k; ky; us vko\$; d ekuk gA
 muds fo:) dkbz vurnk\$ ugha pkgk x; k gA fe; kn ds fclnq ij i\$V fd; k
 fd vihykFkhz rr-l e; ukckfyx gkus , oa ek; ds fuj {kj xkeh.k efgyk gkus ds
 dkj .k ml s bl ckr dk dkbz Kku ugha Fkk fd jkthukes ds i' pkr-Hkh U; k; ky;
 ds vkn\$ vko\$; d gA , s h n\$kk ea fe; kn ds fclnq dks {kek djrs gq
 vihykFkhz dks ml ds fgLI s dk [kk\$nkj ?kk\$kr fd; k tkoA vi us i{k ds l eFkU
 ea fuEu U; kf; d n"Vkr i\$ek fd; s %&

ए.आई.आर 1987 सुप्रीम कोर्ट 1353
आर.आर.डी 1989 पेज 548

cgl ds ifji\$; ea i=koyh dk voykdu fd; kA v/khuLFk U; k; ky; us
 nkok oknh ftl vk/kkj ij [kkfj t fd; k g\$fd fookfnr vkjkt h i\$rsuh l kfc
 ugha gA d\$y jkthukes ds vk/kkj ij fookfnr vkjkt h dks i\$rsuh ugha ekuk tk
 l drk A vko\$; d i {kdkjka dk rF; d\$y odfYi d gA bl U; k; ky; ea Hkh
 vihykFkhz us b\$xr dfe; ka dks nij djus dk dkbz iz kl ugha fd; k gA fe; kn
 ds fclnq ij Hkh odhy vihykFkhz }kjk iLnr U; kf; d n"Vkr dkQh ig kus g\$
 v|ru fLFkfr ea U; k; ky; dk ; g Hkh er jgk g\$ fd fe; kn ds dkuu dks
 gYds ea ugha yuk pkg, A efjV ij Hkh vihykFkhz dk ekeyk pyus ; k\$; ugha
 i k; k tkrk gA vRk% vihy vihykFkhz efjV , oa fe; kn nksuka fclnq/ka ij [kkfj t
 fd; s tkus ; k\$; i\$V gkrh gA

vr% vkn\$ g\$ fd vihy vihykFkhz efjV , oa fe; kn nksuka fclnq/ka ij
 [kkfj t dh tkrh g\$, oa v/khuLFk U; k; ky; dk fu.k\$; Fkkor j [kk tkrk gA

jktLo vihy i kf/kdkjh
 Hkjri g

यह आदेश vkt fnukd 21-05-2018 dks ejs }kjk fy [kk; k tkdj [kys
 U; k; ky; ea l uk; k x; k A

jktLo vihy i kf/kdkjh
 Hkjri g

fMdh o l hxs vihy

1/4/2017 41] : y 35] tkCrk nhckuhz

Procedure Code,Appendix D&1)

vt vnkyr jktLo vihy ikf/kdkjh] Hkjri g epke Hkjri g

व इजलास श्री जगदीश नारायण मथुरिया (आरोएओएस०)

vkj-l h, e, l 2017@00230

vihy l d; k 121@2017/223vkj-Vh, DV-1/2

muoku

1-eukst nRrd i= uRFkh tkfr ekyh fuokl h dLck dfigg rgl hy dfigg ftyk Hkjri g
-----vihyk/

Ckuke

1-Hkj k i= dyvk tkfr ekyh fuokl h dLck dfigg rgl hy dfigg ftyk Hkjri g

2-yD[kks i= eyhjke tkfr ekyh fuokl h dLck dfigg rgl hy dfigg ftyk Hkjri g

3-fugky fl g i= eyhjke tkfr ekyh fuokl h dLck dfigg rgl hy dfigg ftyk Hkjri g

-----jLi kMBV

vihy fo:) fu.kz , oa fMØh rkjh[k 04-11-99 U; k; ky;
mi [k.M vf/kdkjh ,oa l gk; d dyDVj Hkjri g oepnes
muokuh eukst cuke eyhjke nØh oxjkgjeql a 09@99

; g vihy -----21-----ekg-----05-----l u-----2018-----o gekjs --Jh jktØnz fl g , MO--- feutkfuc
vihyk.V के लिये पेश होकर यह हुक्म है कि vihy vihykFkhz efjV , oa fe; kn nkuka fclUnq/ka ij
[kkt] t dh tkrh gØ , oa v/khuLFk U; k; ky; dk fu.kz ; Fkkor j [kk tkrk gA

1/4[kplz vihy-----dk gL; rQl hy tj rkknh tj rkknh epfyx-----1/2; i; s-----
-----vnk dj] [kplz epnek epfyx dk-----vnk djA

cl Cr ejs nLr[kr o egj vnkyr ds vkt rkjh[k-----21
-----ekg-----05-----l u-----2018-----dk tkjh dh xbA

jktLo vihy ikf/kdkjh
Hkjri g

enbz	: i; k	i s	enk; ykg	: i; k	i s k
LVKEi vthnk			LVKEi odkyruek		
LVKEi odkyruek			LVKEi vthz		
LVKEi otg l cr			egurkuk odhy ij		
egurkuk odhy			[kplz xokgku		
			Ohl dfe'uj		
Ohl dfe'uj			ckcr-btjk; gDeukek		
ckcr-btjk; gDeukek			erOfjD		
erOfjD					
Ehtku			ehtku		

uk/18 bl [kpl ds OkeZ ij dy [kpl gj nks Qjhdu dk] pks fMdh ds tfj; s fnyk; k x; k gk; k ugh
ntZ djuk pfg; A