

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE J.UMA DEVI

WRIT APPEAL NO.453 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is filed against the order passed by the learned Single Judge in WP.No.40074 of 2016 dated 21.11.2016 directing the fourth respondent to complete investigation as expeditiously as possible and to file a final report, if any, either way in accordance with law, without arresting the petitioner; in case, if any charge sheet is filed and summons are received by the petitioner, he shall appear before the Court concerned and execute a personal bond for a sum of Rs.10,000/- with one surety to the satisfaction of the Court concerned. Aggrieved thereby, the fifth respondent in the Writ Petition has invoked our jurisdiction under Clause 15 of the Letters Patent.

While elaborate submissions have been put forth by the respondents, on the validity of the order under appeal, the Supreme Court, in **Ram Kishan Fauji v. State of Haryana**¹ (Judgment in Civil Appeal No.4288 of 2017 dated 21.03.2017), has declared that an appeal, against exercise of criminal jurisdiction by the learned Single Judge, does not lie under Clause 15 of the Letters Patent. Following the judgment in **Ram Kishan Fauji**¹, this appeal is liable to be dismissed as not maintainable. Needless to state that the order now passed by us, dismissing the appeal,

¹ 2017 SCC Online SC 259

would not preclude the petitioner from availing such other remedies as are available to him in law.

Subject to the above, the appeal fails and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

7th August 2017
RRB

