120 CRM-M-19965-2023

SANJAY GUPTA AND ANOTHER VS TRIMANDEEP SINGH

Present: Mr. Apoorv Aggarwal, and
Mr. Tanmoy Gupta, Advocate
for the petitioner.

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Notice of motion.

Mr. Harsh Chopra, Advocate accepts notice and waives service on behalf of the respondent.

List on 25.08.2023.

Further proceedings, **beyond the cognizance stage**, shall remain stayed qua the petitioner(s) till **24.08.2023**. However, if the matter is adjourned because of the petitioner, then on this ground alone, the interim stay may be vacated even prior to the six months. **The prayers for the stay mentioned anywhere in the petition and the accompanying application(s), if any, stand disposed**. However, it shall be open for the petitioner to file an application seeking an extension of stay by mentioning the reasons stipulated by the Hon'ble Supreme Court in Asian Resurfacing of Road Agency Pvt Ltd v. Central Bureau of Investigation, (2018) 16 SCC 299, (para 35), which holds as follows,

> [35] In view of above, situation of proceedings remaining pending for long on account of stay needs to be remedied. Remedy is required not only for corruption cases but for all civil and criminal cases where on account of stay, civil and criminal proceedings are held up. At times, proceedings are adjourned sine die on account of stay. Even after stay is vacated, intimation is not received and proceedings are not taken up. In an attempt to remedy this, situation, we consider it appropriate to direct that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced.

(Anoop Chitkara)
Judge

21.04.2023
anju rani

ANJU RANI
2023.04.25 16:51
I attest to the accuracy and
integrity of this document