

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 797 OF 2020**  
**(Arising out of SLP(Cr1.) No. 5797/2020)**  
D.NO.10513/2020

**JITENDRA RAMNARAYAN RATHOD  
AND ORS. . . APPELLANT(S)**

**VERSUS**

**LEONARD XAVIER VALDARIS . . RESPONDENT(S)**  
and others

**O R D E R**

**Delay condoned.**

**Leave granted.**

Having heard learned for the parties, we are inclined to pass the following order and directions, modifying the impugned order dated 19.12.2019 passed in Criminal Writ Petition No. 2110/2014; Leonard Xavier Valdaris and Ors. v/s Officer in-Charge, Wadala Railway Police Station, Mumbai and Others:

i) The trial Court while deciding the question of framing of charge(s) would examine all aspects, including the Sections of the Penal Code under which the charges should be framed.

ii) Observations in the impugned order will not be treated as binding findings or directions on the question of framing of charge and the Section(s) under

which the charge would be framed. The trial Court would independently apply its mind, without being influenced by the observations of the High Court.

iii) The informant/victim- Leonard Xavier Valdaris will be at liberty to file protest petition before the trial Court, which if filed, would be dealt with in accordance with law. Similarly, Sufiyan Mohammad Khan, Mohammad Irfan Hajam and Arbaz Shamim Khan also will be at liberty to file protest petition before the trial Court, which if filed, would be dealt with in accordance with law.

The appeal is disposed of in the aforesaid terms, clarifying that we have not commented or observed on merits of the section/provisions of law, under which charge(s) should be framed.

.....J.  
[ S. ABDUL NAZEER ]

.....J.  
[ SANJIV KHANNA ]

NEW DELHI,  
NOVEMBER 19, 2020.

ITEM NO.32 Court 9 (Video Conferencing) SECTION II-A

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10513/2020

(Arising out of impugned final judgment and order dated 19-12-2019 in CRLWP No. 2110/2014 passed by the High Court Of Judicature At Bombay)

JITENDRA RAMNARAYAN RATHOD & ORS. Petitioner(s)

VERSUS

LEONARD XAVIER VALDARIS & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.82570/2020-CONDONATION OF DELAY IN FILING and IA No.82571/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.82569/2020-PERMISSION TO FILE PETITION (SLP))

Date :19-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Sushil Karanjkar , Adv.  
Mr. Dhawesh Pahuja, Adv.  
Mr. K N Rai AOR

For Respondent(s) Mr. Yug Mohit Chaudhry, Adv.  
Ms. Payoshi Roy, Adv.  
Mr. Siddhartha, Adv.  
Mr. K. Paari Vendhan, AOR

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

Permission to file SLP is granted.

Delay condoned.

Leave granted.

The appeal is disposed of in the terms mentioned in the signed order.

Pending application stands disposed of.

(CHARANJEET KAUR)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
COURT MASTER (NSH)

[ Signed order is placed on the file ]