

ITEM NO.23 Court 10 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11911/2021

(Arising out of impugned final judgment and order dated 03-05-2021 in CRLMA No. 1/2019 passed by the High Court Of Gujarat At Ahmedabad)

BIRJU SALLA @ AMAR SONI Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.61712/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61714/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.61710/2021-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 21-05-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Vikram Chaudhri, Sr. Adv.
 Mr. Nikhil Jain, AOR
 Mr. Harshit Sethi Adv.
 Mr. Rishi Sehgal Adv.
 Mr. Keshavam Chaudhri, Adv.
 Ms. Ria Khanna, Adv.
 Mr. Rahil Mahajan, Adv.

For Respondent(s)

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

Permission to file Special Leave Petition is granted.

Though we find no reason to interfere in the order rejecting mentioning by the petitioner but it is noticed that by the order dated 09.10.2019, the High Court, while admitting the appeal against conviction, ordered for early

preparation of paper books and kept the application seeking suspension of execution of sentence pending with the main matter; and from the particulars of the proceedings, it appears that the appeal had been listed for hearing on few occasions.

In the totality of the circumstances, we permit the petitioner to make a fresh prayer to the High Court with reference to the order dated 09.10.2019.

We hope and trust that upon such mention being made, the High Court will give it due consideration for posting the appeal for hearing at an appropriate date or for consideration of the prayer for suspension of execution of sentence, while keeping in view the observations made by this Court in SLP(Crl.) D.No. 26279 of 2020 on 13.01.2021.

The Special Leave Petition is disposed of accordingly.

Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)