

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1779/2016  
(Arising out of impugned final judgment and order dated 14/09/2015  
in CRLMN No. 31117/2015 passed by the High Court of Patna)

STATE OF BIHAR

Petitioner(s)

VERSUS

DIVESH KUMAR CHAUDHARY &amp; ANR.

Respondent(s)

(with appln. (s) for seeking permission to raise additional  
grounds)

WITH

SLP(Crl) No. 3036/2016

(With appln.(s) for exemption from filing O.T. and appln.(s) for  
exemption from filing c/c of the impugned order)

SLP(Crl) No. 3038/2016

(With appln.(s) for exemption from filing c/c of the impugned  
order and appln.(s) for exemption from filing O.T. and Office  
Report)

SLP(Crl) No. 3040/2016

(With appln.(s) for exemption from filing O.T. and appln.(s) for  
exemption from filing c/c of the impugned order and Office Report)

SLP(Crl) No. 3041/2016

(With appln.(s) for exemption from filing O.T. and appln.(s) for  
exemption from filing c/c of the impugned order and Office Report)

SLP(Crl) No. 3042/2016

(With appln.(s) for exemption from filing c/c of the impugned  
order and appln.(s) for exemption from filing O.T. and Office  
Report)

SLP(Crl) No. 3043/2016

(With (With appln.(s) for exemption from filing O.T. and appln.(s)  
for exemption from filing c/c of the impugned order and Office  
Report)

SLP(Crl) No. 3044/2016

(With appln.(s) for exemption from filing O.T. and appln.(s) for  
exemption from filing c/c of the impugned order and Office Report)

SLP(Crl) No. 3046/2016

(With appln.(s) for exemption from filing O.T. and appln.(s) for  
exemption from filing c/c of the impugned order and Office Report)

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SLP(Crl) No. 3048/2016

(With appln.(s) for exemption from filing c/c of the impugned  
order and appln.(s) for exemption from filing O.T. and appln.(s)  
for exemption from filing O.T. and Office Report)

SLP(Crl) No. 3049/2016

(With appln.(s) for exemption from filing c/c of the impugned order  
and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Crl) No. 3035/2016

(With appln.(s) for exemption from filing c/c of the impugned order  
and appln.(s) for permission to place addl. documents on record and  
appln.(s) for exemption from filing O.T. and appln.(s) for  
exemption from filing O.T. and Office Report)

SLP(Crl) No. 9618/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for  
c/delay in filing SLP and appln.(s) for exemption from filing c/c  
of the impugned order and appln.(s) for exemption from filing O.T.  
and Office Report)

SLP(Crl) No. 9807/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for  
exemption from filing c/c of the impugned order and appln.(s) for  
exemption from filing O.T. and Office Report)

SLP(Crl) No. 9804/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for  
exemption from filing c/c of the impugned order and appln.(s) for  
exemption from filing O.T. and Office Report)

SLP(Crl) No. 9802/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for





exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9756/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9809/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9731/2016

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(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9692/2016

(With (With (With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9659/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9663/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9796/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9753/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9790/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9710/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9776/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9644/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9665/2016

(With appln.(s) for vacating stay and appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and

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Office Report)

SLP(Cr1) No. 9660/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9610/2016

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

SLP(Cr1) No. 9694/2016

(With appln.(s) for exemption from filing O.T. and appln.(s) for



(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing c/c of the impugned order and appln.(s) for exemption from filing O.T. and Office Report)

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SLP(Cr1) No. 9772/2016









for c/delay in refiling SLP and appln.(s) for c/delay in filing SLP  
and Office Report)  
SLP(Cr1) No. 1253/2017  
(With (With appln.(s) for exemption from filing c/c of the impugned  
order and appln.(s) for exemption from filing O.T. and appln.(s)  
for c/delay in refiling SLP and appln.(s) for c/delay in filing SLP  
and Office Report)  
SLP(Cr1) No. 621/2017  
(With Office Report)  
SLP(Cr1) No. 622/2017  
(With Office Report)  
SLP(Cr1) No. 625/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 626/2017  
(With Office Report)  
SLP(Cr1) No. 627/2017  
(With Office Report)

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SLP(Cr1) No. 628/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 629/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 630/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 631/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 632/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 633/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 634/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 635/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 636/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 637/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 638/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 639/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 640/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 642/2017

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(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1) No. 766/2017  
(With appln.(s) for exemption from filing c/c of the impugned order  
and Office Report)  
SLP(Cr1)...CRLMP No. 1062/2017  
(With appln.(s) for c/delay in filing SLP and Office Report)



(With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1812/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1811/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1816/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1819/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1839/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1860/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1861/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1868/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1870/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1872/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1871/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1905/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1924/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1938/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1936/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1943/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1946/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)

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SLP(Cr1.)...CRLMP No. 1970/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1974/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1979/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1980/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1983/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 2018/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 1056/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 2107/2017  
 (With appln.(s) for permission to file SLP and Office Report)  
 SLP(Cr1) No. 591/2017  
 (With appln.(s) for exemption from filing c/c of the impugned order  
 and appln.(s) for exemption from filing O.T. and appln.(s) for  
 c/delay in refiling SLP and appln.(s) for c/delay in filing SLP and  
 Office Report)  
 SLP(Cr1) No. 149/2017  
 (With appln.(s) for exemption from filing c/c of the impugned order  
 and appln.(s) for exemption from filing O.T. and appln.(s) for  
 c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 2439/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 2477/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 2539/2017  
 (With appln.(s) for c/delay in filing SLP and Office Report)  
 SLP(Cr1.)...CRLMP No. 2554/2017

(With appln.(s) for c/delay in filing SLP and Office Report)  
SLP(Cr1.)...CRLMP No. 1586/2017  
(With appln.(s) for c/delay in filing SLP and Office Report)  
SLP(Cr1.)...CRLMP No. 2102/2017  
(With appln.(s) for c/delay in filing SLP and Office Report)

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SLP(Cr1.)...CRLMP No. 2404/2017  
(With appln.(s) for c/delay in filing SLP and Office Report)  
SLP(Cr1.)...CRLMP No. 1644/2017  
(With appln.(s) for c/delay in filing SLP and Office Report)  
SLP(Cr1.)...CRLMP No. 1688/2017  
(With appln.(s) for c/delay in filing SLP and Office Report)

Date : 28/02/2017 These petitions were called on for hearing today.  
CORAM :

HON&#39;BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON&#39;BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Sidharth Luthra,Sr.Adv.  
Mr. Gopal Singh,Adv.  
Mr. Manish Kumar,Adv.  
Mr. Rituraj Biswas,Adv.  
Mr. Shivam Singh,Adv.  
Mr. Aditya Raina,Adv.  
Mr. Shreyas Jain,Adv.  
Ms. Varsha Poddar,Adv.  
Mr. Kumar Milind,Adv.  
Mr. Advitiya Awasthi,Adv.  
Mr. Vikram Singh Chauhan,Adv.

For Respondent(s) Mr. Amrendra Saran,Sr.Adv.  
Mr. Devashish Bharuka,Adv.  
Mr. Ravi Bharuka,Adv.

Mr. Nagendra Rai,Sr.Adv.

Mr. Prateek Kumar,Adv.  
Mr. Prashant Kumar,Adv.  
Mr. Shashank Saurabh,Adv.  
Mr. Shantanu Sagar,Adv.  
Mr. Anmol,Adv.

Mr. Raju Ramachandran,Sr.Adv.

Mr. Sumeet Kumar Singh,Adv.  
Mr. Gopal Jha,Adv.  
Ms. Snehil Sonam,Adv.  
Mr. Krishna Kant Dubey,Adv.  
Mr. Gautam Singh, Adv.  
Ms. Isha Singh,Adv.  
Mr. Vivek Vardhan,Adv.

Mr. Jitendra Mohan Sharma,Sr.Adv.

Mr. Sumeet Kumar Singh,Adv.  
Mr. Rohit K. Singh,Adv.  
Mr. Gautam Singh,Adv.

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Ms. Snehil Sonam,Adv.

Mr. S. Hegde,Sr.Adv.

Mr. Sameer Kumar,Adv.  
Mr. Aditya Shankar,Adv.  
Mr. Anshuman Ashok,Adv.

Mr. Varinder Kumar Sharma,Adv.

Mr. Yugal Kishor Prasad,Adv.  
Mrs.Parul Sharma,Adv.  
Mr. P.N. Singh,Adv.  
Ms. Suman Rani,Adv.  
Mr. Harshvardhan Jha,Adv.  
Mr. Garvesh Kabra,Adv.  
Ms. Yugandhara Jha,Adv.  
Mr. Abhishek Chaudhary,Adv.

Mr. Amit K. Nain,Adv.

Mr. Rajiv Kumar Sinha,Adv.  
Ms. Abha R. Sharma,Adv.  
Mr. Dharendra Parmar,Adv.  
Mr. Susheet Tomar,Adv.  
Ms. Sujeeta Srivastava,Adv.  
Ms. Kavita Sharma,Adv.  
Mr. Kundan Kumar Mishra,Adv.  
Mr. Gaurav Agrawal,Adv.  
Mr. Subhro Sanyal,Adv.  
Mr. Rajiv Shankar Dvivedi,Adv.  
Mr. Anil K. Jha,Adv.  
Mr. S.K. Divakar,Adv.  
Ms. Priyanka Tyagi,Adv.  
Mr. S.K. Roshan,Adv.  
Mr. D. K. Devesh,Adv.  
Mr. Brajesh Kumar,Adv.  
Mr. A.P. Sinha,Adv.  
Mr. Sarvesh Singh,Adv.  
Mr. Herinder Kaur Brar,Adv.  
Mr. K.M. Mishra,Adv.  
Mr. Subodh K. Pathak,Adv.  
Mr. Pawan Kumar Sharma,Adv.  
Mr. D.K. Sinha,Adv.

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Mr. Sanjay Kumar Dubey,Adv.  
Mr. Rakesh Kumar Tewari,Adv.  
Ms. Shuchi Singh,Adv.  
Mr. Krishan Kant Dubey,Adv.  
Mr. Upendra N.Mishra,Adv.  
Mr. C.K. Pandey,Adv.  
Ms. Shashi Ranjan,Adv.  
Mr. Devendra Kumar Shukla,Adv.  
Mr. Chandan Kumar Pandey,Adv.  
Mr. Shyamal Kumar,Adv.  
Mr. Purushottam Sharma Tripathi,Adv.  
Mr. Ravi Chandra Prakash,Adv.  
Mr. Mukesh Kumar Singh,Adv.  
Mr. Ranbir Singh Chailier,Adv.  
Mr. Narendra Kumar Goyal,Adv.  
Mr. Rajeev Singh,Adv.  
Mr. Prakash Kr.Singh,Adv.  
Mr. Neeraj Shekhar,Adv.  
Mr. Animesh Kumar,Adv.  
Mr. Rana Prashant,Adv.  
Mr. Nitesh Ranjan,Adv.  
Mr. Anshul Narayan,Adv.  
Ms. Rashmi,Adv.  
Mr. Smarhar Singh,Adv.  
Mr. Devesh Kumar Tripathi,Adv.  
Mr. Shishir Pinaki,Adv.  
Mr. Rajiv Kumar Sinha,Adv.  
Mr. Atul Jha,Adv.  
Mr. Sandeep Kumar Jha,Adv.  
Mr. Manish Kumar Saran,Adv.  
Mr. Chandan Kumar,Adv.  
Mr. Chandra Prakash,Adv.  
Mr. Ajay Kumar Singh,Adv.  
Mr. Prakash Gautam,Adv.  
Mr. Sujeet Kr.Singh,Adv.  
Mr. Anil Grover, Adv.  
Mr. Rakesh Kumar, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, Adv.

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Mr. Ranjan Kumar,Adv.  
Mr. Dhananjay Kumar,Adv.  
Mr. Amit Pawan,Adv.

Mr. Prem Prakash, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard.

Permission granted.

Delay condoned.

These petitions have been preferred by the State of Bihar/Bihar State Food Civil Supplies Corporation against orders granting anticipatory bail/bail, in connection with cases, the facts of which are identical.

It has been stated by Mr. Siddharth Luthra, learned senior counsel appearing for the State/Corporation, that a sum of Rupees fifteen hundred crores in all has been allegedly misappropriated by the accused for which 600 FIRs have been filed. According to the case of the State, agreements for milling of paddy were entered into with different rice mills in pursuance of which paddy was handed over for milling but the rice from the milled paddy was not returned or was returned partly. Thus, there is misappropriation to a huge extent. In such circumstances, grant of anticipatory bail/bail will seriously hamper the investigation/trial resulting in huge loss to the State.

Our attention has been drawn to the Deed of Agreement. Clause 3 thereof provides for furnishing of bank guarantee for

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the value of paddy, which is taken for milling, or for pledging of the immovable property of the value of the paddy. There is also provision in clause 12 that in case of default of terms of agreement the bank guarantee can be forfeited and legal action initiated for recovery of the amount from the mortgaged immovable property.

The High Court has passed an order for deposit of 10 to 20 % of the amount, alleged to be involved in different cases for grant of bail/anticipatory bail..

Since the anticipatory bail/bail was granted more than one year back and financial interest of the State is or can be secured, we are not inclined to cancel the anticipatory bail/bail but modify the order of granting of anticipatory bail/bail conditional adding conditions as follows:

(1) The accused in all the FIR(s), will ensure that bank guarantee, if not furnished, is furnished and if lapsed, is renewed within a period of one month from today failing which the anticipatory bail/bail granted will stand cancelled.

(2) The accused will cooperate with investigation/trial and their failure to appear, when required, will be a ground for cancellation of anticipatory bail/bail. An order of cancellation will be passed by the trial court on being satisfied about such failure.

(3) The investigation will be completed within a period of three months.

(4) All the accused will be tried only at five places viz. Patna, Gaya, Chhapra, Darbhanga and Purnia by officers of the

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appropriate rank determined by the High Court within one week from today. The High Court may specify the area of jurisdiction of the said five courts by a public order. If required by the High Court, the State Government may sanction extra strength of officers with requisite infrastructure so that normal work of courts is not disturbed on account of the special arrangement for these cases.

(5) The officers posted will deal with these cases exclusively. If free from their work, any other work may be assigned to the said officers.

(6) The concerned authorities will be at liberty to encash the bank guarantee(s) after holding that there is a breach of terms of the agreement which decision will be subject to appropriate

remedies of the parties.

(7) If not otherwise encashed, the bank guarantee will be kept alive till the trial is over. However, deposits/furnishing of bank guarantees will be abide by further orders of the trial court, interim or final.

(8) If any amount is deposited by the accused, the said amount will be adjusted in the amount of the bank guarantee, which is to be furnished by the accused.

(9) The accused will surrender their passports to the respective courts within a period of four weeks from today and will not leave the country without prior permission from the concerned court.

On compliance of the above order, if any accused is in custody, he will be granted bail in accordance with law.

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Any other proceedings between the parties will remain unaffected by this order and the same can proceed in accordance with law.

The trial court/High Court will be at liberty to pass any further order which it considers appropriate, having regard to the individual fact situation or modify the above directions in exigencies of the situation.

The special leave petitions are disposed of accordingly.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER