

ITEM NO.44

COURT NO.2  
(HEARING THROUGH VIDEO CONFERENCING)

SECTION II

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

Petition for Special Leave to Appeal (Cr1.) No.7064/2021

(Arising out of impugned final judgment and order dated 07-09-2021 in CRLMA No.34985/2016 passed by the High Court Of Judicature At Allahabad)

AMRITA BURMAN

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R.; IA No.117600/2021 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.117602/2021 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Cr1) No.7074/2021 (II)

(FOR ADMISSION and I.R.; IA No.117808/2021 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.117810/2021 - FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-09-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Petitioner(s) Mr. Arvind Varma, Sr. Adv.  
Mr. Vineet Bhagat, AOR  
Mr. Ajay Kumar Singh, Adv.  
Ms. Smridhi Sharma, Adv.  
Ms. Mahima Chauhan, Adv.  
Ms. Manju Bhagat, Adv.  
Mr. Mohit Gulati, Adv.

For Respondent(s)

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

In Criminal Miscellaneous Applications No.34984 and 34985 of 2016 preferred by the petitioners under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the charge-sheet in

Criminal Case No.3308 of 2015, the High Court vide its order dated 17.11.2016 granted interim protection by directing that no coercive action be taken against the petitioners.

Said protection continued to enure to the benefit of the petitioners till order dated 11.02.2021 passed by the Special Chief Judicial Magistrate, Varanasi. Relying on the decision of this Court in *Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation* (Criminal Appeal Nos.1375-1376 of 2013 dated 28.03.2018), the Special Chief Judicial Magistrate observed that the interim protection granted by the High Court would come to an end upon expiry of six months.

Consequently, the petitioners filed applications in the High Court seeking extension of interim protection. As the matters were not getting listed because of COVID-19 pandemic situation and the High Court having not granted the relief, Special Leave Petitions No.2142-2146 of 2021 etc. were filed in this Court.

While entertaining those petitions, by order dated 10.03.2021, ad-interim relief in terms of prayer (a) of paragraph 8 of the Special Leave Petitions was granted by this Court.

Consequently, the Special Chief Judicial Magistrate by his order dated 22.03.2021 stayed the proceedings.

However, by subsequent order dated 02.04.2021, the Special Chief Judicial Magistrate directed the accused to remain present on 07.04.2021 through non-bailable warrants.

The petitioners, therefore, moved Interlocutory Applications in pending Criminal Miscellaneous Applications No.34984 and 34985 of 2016 seeking extension of stay order. However, those

applications seeking interim directions are not getting listed because of COVID-19 pandemic related restrictions.

In the aforesaid circumstances, the instant Special Leave Petitions are preferred.

Issue notice, returnable on 25.10.2021.

Pending further consideration, the petitioners shall be entitled to the benefit in terms of order dated 17.11.2016.

(MUKESH NASA)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER