

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(s) for Special Leave to Appeal (CrI.) No(s). 7076/2021

(Arising out of impugned final judgment and order dated 27-08-2021 in CRR No. 1239/2021 passed by the High Court of M.P at Indore)

BHARAT JAROLI

Petitioner(s)

VERSUS

DR.RAMESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.117840/2021-EXEMPTION FROM FILING O.T.)

Date : 20-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. Divyakant Lahoti, AOR
Mr. Kartik Lahoti, Adv.
Mr. Rahul Maheshwari, Adv.
Mr. Ayush Kaushik, Adv.
Mr. Anjag Gautam, Adv.

For Respondent(s)

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

Having heard learned senior counsel for the petitioner and having perused the material placed on record, we are not inclined to consider interference in the impugned order dated 27.08.2021 passed by the High Court of Madhya Pradesh in Criminal Revision No. 1239 of 2021 declining the prayer for exemption from surrendering, as made on behalf of the petitioner. This petition is, therefore, required to be dismissed.

Upon our having expressed opinion thus, the learned senior counsel has made a fervent plea that the time given to the petitioner for surrendering may be extended and his regular application for seeking suspension of execution of sentence may be considered by the High Court at the earliest.

So far as the prayer for extension of time is concerned, we feel disinclined to accede to this request, particularly on the facts and circumstances of the case where the petitioner did not appear before the Appellate Court on the date fixed for delivery of the judgment and the facts were clearly noticed by the Appellate Court in its judgment as also by the High Court. The High Court had yet been considerate by giving time to the petitioner to surrender on or before 22nd September, 2021. Keeping in view all the relevant aspects of the matter, we are not inclined to interfere in the impugned order and the petitioner ought to surrender on or before 22nd September, 2021.

However, in the interest of justice, we deem it appropriate to provide that in case the petitioner surrenders and also offers the Pay Orders/Demand Drafts, as indicated in his application; and simultaneously a prayer is made on his behalf for early consideration of his application for suspension of execution of sentence, the High Court may give such a prayer due consideration.

We also make it clear that any observations made by the High Court in the impugned order dated 27.8.2021 as

also rejection of this Petition for Special Leave to Appeal shall not be of any impediment in the petitioner making relevant submissions before the High Court.

Subject to the observations foregoing, this petition stands dismissed.

All pending applications stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR