

ITEM NO.5 Court 4 (Video Conferencing) SECTION II-B

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 (Cr1.) No(s).10031/2021

(Arising out of impugned final judgment and order dated 03-09-2021 in WPCRL No. 835/2021 passed by the High Court of Uttarakhand at Nainital)

JITENDRA KUMAR & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.168515/2021-EXEMPTION FROM FILING O.T. and IA No.168516/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 07-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr Arvind Vashist, Sr Adv
Mr Suhaas Ratna Joshi, AOR
Ms Priyanka Agarwal, Adv
Ms Mallika Joshi, Adv

For Respondent(s) Ms. Anagha S. Desai, AOR
Mr. Satyajit A Desai, Adv.
Mr. Satyakam Sharma, Adv.
Mr. Siddharth Gautam, Adv.
Mr. Himanshu Sharma, Adv.

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

1 Mr Arvind Vashist, senior counsel appearing on behalf of the petitioners, submits that:

- (i) The allegation implicating offences punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 has specifically been adverted to in the FIR as well as in the charge sheet,

which is submitted after investigation by the police to the competent court;

- (ii) The High Court has virtually conducted a mini trial by looking into the video clips, at this stage; and
- (iii) While exercising the jurisdiction under Article 226 of the Constitution to quash the criminal proceedings, the High Court has embarked upon considering the defence which is a matter of trial.

2 Ms Anagha S Desai, counsel, appears on behalf of the third and fourth respondents, on caveat.

3 Issue notice.

4 Ms Anagha S Desai accepts notice on behalf of the third and fourth respondents.

5 Counter affidavit shall be filed within a period of three weeks.

6 Rejoinder, if any, shall be filed within a period of three weeks, thereafter.

7 List the Special Leave Petition for final disposal on 29 March 2022.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER