

ITEM NO.21 Court 13 (Video Conferencing) SECTION II-C

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). 950/2020

(Arising out of impugned final judgment and order dated 08-08-2019 in CRLA No. 788/2001 passed by the High Court Of Delhi At New Delhi)

DIWAKAR GUPTA

Petitioner(s)

VERSUS

STATE NCT OF DELHI

Respondent(s)

IA No. 130584/2019 - EXEMPTION FROM FILING O.T.

IA No. 155533/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 130583/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 24-09-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
 HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. R. Basant, Sr. Adv.
 Mr. Raghenth Basant, Adv.
 Ms. Liz Mathew, AOR
 Mr. Vishnu Pazhanganat, Adv.
 Ms. Roopali Lakhotia, Adv.

For Respondent(s)

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

It is not in dispute that the Special Leave Petition filed by the co-accused arising out of the very same judgment and order has been dismissed by this Court. However, Mr. R. Basant, learned Senior Advocate appearing for the petitioner, has vehemently submitted that, in the present case, the arguments were concluded and the judgment was reserved on 22.09.2017. Thereafter, the judgment has been delivered after about two years i.e. on 08.08.2019 and therefore, this is a fit case to remand the matter

considering the decision of this Court in Anil Rai vs. State of Bihar, (2001) 7 SCC 318. It is true that once the Appeal is heard by the High Court, it must be disposed of at the earliest and the judgment must be delivered at the earliest and within the stipulated time mentioned by this Court in the case of *Anil Rai (supra)*.

However, in the facts and circumstances of the case, it must be noted that after the judgment was reserved on 22.09.2017 and, thereafter, 10 times the matter was notified before the Division Bench and thereafter the judgment has been delivered. The submission that for what reason after the judgment was reserved the matter was listed for about 10 times before the same Division Bench, we shall not enter into such an enquiry. For variety of reasons the Division Bench might have kept the matter for further hearing also and there is no further record available. In the peculiar facts and circumstances, the matter is not required to be remanded, more particularly, when the Special Leave Petition preferred by the co-accused has been dismissed by this Court. The Special Leave Petition is, accordingly, dismissed.

Pending applications stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER