

ITEM NO.36

COURT NO.5

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(s) for Special Leave to Appeal (Crl.) No(s). 8538/2017

(Arising out of impugned final judgment and order dated 01-06-2017 in BA No. 16/2017 passed by the High Court Of Uttarakhand At Nainital)

SANDEEP KUMAR

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND

Respondent(s)

(FOR ADMISSION and I.R. and IA No.105897/2017-CONDONATION OF DELAY IN FILING and IA No.105899/2017-EXEMPTION FROM FILING O.T. and IA No.9430/2018-MODIFICATION OF COURT ORDER)

Date : 07-02-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Dr. Surender Singh Hooda, AOR
Mr. Premtosh Mishra, Adv.

For Respondent(s) Ms. Rachana Srivastva, AOR
Mr. Vishwajit Singh, Adv.
Mr. Gaurav Singh, Adv.
Sukrit Kapoor, Adv.
Sudipta Sarkar, Adv.

Mr. Vaibhav Joshi, Adv.
Mr. Suhaas Ratna Joshi, AOR
Mr. Mohit Maulekhi, Adv.

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

The petitioner has approached this Court being aggrieved by the cancellation of bail. On 15.11.2017, the following order was passed:

"The petitioner is involved in an offence under Section 138 of the Negotiable Instruments Act,1882

along with other related offences under Indian Penal Code. The petitioner has been in jail for the last more than 14 months.

The petitioner is directed to be forthwith released on interim bail till 10th of January, 2018, on condition that before the next date of hearing in this Court, he shall arrange an amount of Rs.8,00,000/- (Rupees Eight Lakhs), which he had agreed before the High Court. The petitioner shall be released on interim bail on his furnishing bail bonds to the tune of Rs. 50,000/- (Rupees Fifty Thousand) with two solvent sureties of the like amount to the satisfaction of the trial court.

List the matter on 08.01.2018. The petitioner is directed to be personally present in Court on that date."

Thereafter on 08.01.2018 another order was passed which reads as follows:

"The petitioner is present before this Court.

Learned counsel for the petitioner submits that the petitioner is not in a position to arrange the money, as ordered by this Court on 15.11.2017.

We are inclined to give one more opportunity to the petitioner by granting him further time of 30 days from today to deposit a sum of Rs.8,00,000/- before this Court.

List on 12.02.2018. The petitioner is directed to be personally present before this Court on that day.

We make it clear that there shall be no further extension of time for deposit of Rs.8,00,000/-. In case, the money is not deposited before this Court within the time granted, the special leave petition will be dismissed on the next date of hearing."

The petitioner has now moved an application for modification of the above mentioned orders. The learned counsel for the petitioner submits that the petitioner is not in a position to arrange the amount of Rs.8,00,000/-. Though several other

submissions are made on merits, we are not inclined to deal with the same at this stage since it is for the petitioner to take up the same at the appropriate stage before the Trial Court. The application for modification as well as special leave petition are accordingly dismissed.

The petitioner shall surrender on or before 9th March, 2018.

We are informed that the trial has already commenced and five witnesses have already been examined. Therefore, we direct the Trial Court to expedite the trial and dispose of the Criminal Case No. 1819 of 2016 titled State vs. Sandeep etc. within four months.

(ASHWANI KUMAR)
COURT MASTER (SH)

(RENU DIWAN)
ASST.REGISTRAR