

ITEM NO.17 Court 4 (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(s) for Special Leave to Appeal (Crl.) No(s).3484/2020

(Arising out of impugned final judgment and order dated 26-11-2019 in IA No. 4/2019 passed by the High Court for the State of Telangana at Hyderabad)

G.S. GUPTA

Petitioner(s)

VERSUS

G. PITCHI REDDY & ANR.

Respondent(s)

(WITH I.R. and IA No.65921/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 70270/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Rajat Sehgal, AOR
 Ms. Vandana Anand, Adv.

For Respondent(s)

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

- 1 The first respondent has instituted proceedings under Section 482 of the Code of Criminal Procedure 1973, numbered as CRLP No 11891 of 2014, for quashing the proceedings in CC No 157 of 2014 on the file of the Additional Chief Metropolitan Magistrate, Hyderabad. The complaint has been filed under Section 138 of the Negotiable Instruments Act 1881 by the petitioner.

- 2 The grievance in these proceedings is that by a series of orders commencing with Annexure P-10 dated 20 September 2014, the interim stay that was granted in the proceedings has continued to operate by successive orders without the

objections of the petitioner being heard. The Special Leave Petition has been directed against the continuation of the interim stay by an order dated 26 November 2019 by a period of eight weeks.

- 3 Mr Rajat Sehgal, learned counsel appearing on behalf of the petitioner, states that the order of stay has since been extended on 27 January 2020 and 13 March 2020. He has drawn the attention of this Court to an order dated 17 July 2020 passed by a Bench of three judges in SLP(Crl) No 3049 of 2020, which is extracted below:

“Heard counsel for the petitioner.

It is intriguing to notice that the interim order has been passed by the High Court without recording any reason on 23.03.2016. Further, the same has been extended from time to time on several dates despite the fact that the High Court has not thought it appropriate to admit the petition. As a result, we dispose of this special leave petition whilst making it clear that no further extension beyond eight weeks from today be accorded to respondent No.1 (applicant-petitioner before the High Court) and the criminal application filed under Section 482 of Cr.P.C. be disposed of on its own merits within such time.

It will be open to the petitioner to place a copy of this order before the High Court.

The special leave petition and pending applications are accordingly disposed of. “

- 4 The proceedings under Section 482 have been pending for nearly six years. No concrete progress has been made towards the disposal of the petition under Section 482 CrPC. Repeated extensions of interim orders have been granted. Hence, we dispose of the Special Leave Petition with a request to the High Court to dispose of the proceedings under Section 482 within a period of three months from the date on which a certified copy of this order is produced, together with an application for mentioning before the concerned court. The interim order that

has been passed by the High Court shall not be extended in any event beyond 30 November 2020 without hearing the objections of the petitioner on merits to a further extension of the stay.

5 Pending applications stand disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER