

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.)
No(s). 8891-8892/2017

(Arising out of impugned final judgment and order dated 27-10-2017 in CRLMA No. 32574/2017 and order dated 20-09-2017 in CRLMA No. 23921/2017 passed by the High Court of Judicature at Allahabad)

RAJ KUMAR DWIVEDI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.121292/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.121294/2017-EXEMPTION FROM FILING O.T.)

S.L.P. (CrI.) No.3431/2017

Date : 03-04-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Mr. Raju Ramachandran, Sr. Adv.
Mr. S.R. Singh, Sr. Adv.
Mr. Fuzail Ayyubi, Adv.
Mr. Rajneesh Bhaskar, Adv.
Mr. S. R. Setia, AOR
Mr. Ishwar Mohanty, Adv.
Ms. Sunita Pandit, Adv.
Ms. Shweta Yadav, Adv.

For Respondent(s)

Mr. Deepak Kumar Singh, Adv.
Mr. R.L. Singh, Adv.
Mr. Ajay Singh, Adv.
Mr. Nitin Kumar Thakur, AOR

Mr. R.K. Dash, Sr. Adv.
Mr. Adarsh Upadhyay, AOR
Mr. Ajay Singh, Adv.

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

S.L.P. (CrI.) No.3431/2017:-

Heard Mr. Raju Ramachandran, learned Senior counsel appearing for the petitioners.

We see no reason to interfere with the impugned order passed by the High Court of Judicature at Allahabad.

Accordingly, the Special Leave Petition stands dismissed.

Pending applications filed in the matter are also disposed of.

However, learned Senior counsel prays for extension of relief which was granted by the High Court.

In view of the above and having regard to the facts and circumstances of this case, it is directed that, in case, after the petitioner herein surrenders before the trial court within two months from the date of this order and if a bail is moved, the same may be considered in accordance with law.

In the aforesaid period of two months from the date of this order or till the date of his appearance before the trial court, whichever is earlier, no coercive measures shall be taken or given effect to.

S.L.P.(CrI.) Nos.8891-8892/2017 :-

Heard Mr. Raju Ramachandran, learned Senior counsel appearing for the petitioner.

We are, in principle, not inclined to interfere with the impugned order by the High Court of Judicature at Allahabad.

However, learned Senior counsel appearing for the petitioner brought to the notice of this Court, several documents including Report dated 23-9-2016, submitted by the Additional Superintendent of Police. Placing reliance of the aforesaid Report, he contends that the report was prepared on an application made on behalf of the complainant himself. On perusing the material available on record, it can be observed that no prior permission was sought or taken from the Court to conduct such further investigation. Therefore, we cannot direct the prosecution to place the same before the court.

Moreover, in this case, there was a Section 319 CrPC application filed for summoning additional accused viz., Shashendra Kumar Dwivedi and Shiv Kumar Dwivedi, post cognizance. By order dated 14-2-2017, the Trial Court accepted the aforesaid application

and summoned the above named accused. This order came to be challenged before the High Court, which was dismissed, and again in S.L.P. (Cr1.) No.3431/2017 before this Court, which we have dismissed earlier.

Learned Senior counsel appearing for the petitioner apprehends that in view of concluding trial, so far as the petitioner in this Special Leave Petition is concerned, without completing the trial of the other two accused summoned under Section 319 of CrPC, there is a chance of pronouncing the judgment against the petitioner thereby prejudicing him.

On the other hand, Mr. Ratnakar Dash, learned Senior counsel appearing for the State of U.P. as well as the learned counsel appearing for the complainant denied such contention and submits that the Court will only proceed after giving an opportunity to the two accused who are summoned under Section 319 and after giving an opportunity of hearing, the final judgment will be passed against the accused.

In view of the said Statement, we see no reason for apprehension, as expressed by the learned Senior counsel appearing for the petitioner.

With these observations, the Special Leave Petitions are disposed of.

Having regard to the facts and circumstances of this case, the Trial Court is directed to expedite the trial.

(VISHAL ANAND)
COURT MASTER (SH)

(RENUKA SADANA)
ASST. REGISTRAR