

ITEM NO.19

COURT NO.7

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 (CrI.) No(s). 5518/2020

(Arising out of impugned final judgment and order dated 09-08-2019 in SPCRA No. 7800/2017 passed by the High Court Of Gujarat At Ahmedabad)

PAWAN KUMAR KAUSHIK

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 15342/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 15341/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 07-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Naresh Jain, Adv.
Mr. Vikas Mehta, AOR

For Respondent(s) Mr. K.m. Nataraj, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Shailesh Madiyal, Adv.
Mr. Veer Vikrant Singh, Adv.
Mr. B.k. Satija, Adv.
Mr. Gautam Bhardwaj, Adv.

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

Heard the learned counsel for the petitioner as also the learned ASG and perused the petition papers.

Though, the petitioner is seeking the declaration of his arrest as illegal and therefore, for compensation in that regard, the High Court having rejected such prayer, in a normal circumstance, it would have been appropriate for this Court to

examine the correctness or otherwise of the said order passed by the High Court rejecting the prayer. However, keeping in view the fact that the proceedings against the petitioner is pending before the Trial Court concerned, and the issue is at large. The manner in which the arrest was made, is an aspect which would be taken note therein. In that view, all contentions which are urged in the instant petition are also left open to be urged before the Trial Court. In that regard, it is made clear that the Trial Court, based on the records available before it, will take note of such contention put forth by the petitioner herein, without being bound by any of the observations which are contained in the Order impugned herein.

Further, it is brought to our notice that the petitioner is on bail and an application for cancellation of bail has been filed. Even if that be so, while considering such application also, the Trial Court shall take note of the contentions put forth and thereafter, take appropriate decision. All contentions of the petitioner are left open to be urged in that regard.

The Trial Court shall consider and dispose of the matter as expeditiously as possible and in accordance with law, in any event, within the outer limit of six months from this day.

In terms of the above, the petition stands disposed of along with the pending application(s), if any.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR