

ITEM NO.2

COURT NO.2

SECTION IIA

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.441/2017

(Arising out of impugned final judgment and order dated 14/09/2016 in CRLC No.7800/2016 passed by the High Court of M.P. at Indore)

BHUPENDRA SINGH

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(With appln.(s) for exemption from filing O.T. and interim relief and office report)

Date : 24/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Sushil Kumar Jain, Sr. Adv.
Ms. Chhaya Kirti, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Shailendra Sharma, Adv.
Ms. Christi Jain, AOR

For Respondent(s) Mr. Anupam Lal Das, AOR
Mr. Anirudh Singh, Adv.
Mr. Sahil Monga, Adv.

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

Heard Mr. Sushil Kumar Jain, learned senior counsel for the petitioner and Mr. Anupam Lal Das, learned counsel for the informant.

The petitioner was arrayed as an accused by the High Court in exercise of revisional power without issuing notice to him. The said order was assailed in Criminal appeal No.108 of 2016 before this Court, wherein the following order was passed:-

"Resultantly, the appeal is allowed and the order passed by the High Court is set aside. The matter is remitted to the High Court for fresh disposal after accepting the application for impleadment of the appellants. If the application for impleadment of the appellants. If the application for rectification of cause title is filed within two weeks hence, the learned Single Judge will be well advised to dispose of the revision within two weeks."

We have been apprised by the learned counsel for the petitioner that the matter has been remanded by the High Court and is pending before the trial court. The purpose of stating the aforesaid facts is that, for it is urged by Mr. Sushil Kumar Jain that though in the F.I.R. the allegations were against Shiv Pandit and Piyush Bhatt, but they were not charge-sheeted and the petitioner who was only ascribed the role that he has caught hold of the deceased, has been arrayed as an accused and suffered custody approximately for four years. Hence, the petitioner is entitled to be enlarged on bail.

Having heard learned counsel for the parties, we are of the considered opinion that the learned trial Judge shall dispose of the application pending under Section 319 Cr.P.C. within a period of one month. After the application is disposed of, liberty is granted to the petitioner to move the High Court for grant of bail.

With the aforesaid direction, the special leave petition stands disposed of.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master