

ITEM NO.9 Court 1 (Video Conferencing) 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).3281/2021

(Arising out of impugned final judgment and order dated 26-02-2021 in CRLMA No.320/2020 passed by the High Court of Uttarakhand at Nainital)

PURAN CHANDRA

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.55663/2021-EXEMPTION FROM FILING O.T.)

Date : 09-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr Vijay Kumar, Adv.
Mr. Harshit Sanwal, Adv.
Mr. Ahmad Ibrahim, Adv.
Mr. S. K. Verma, AOR

For Respondent(s)

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

The Court is convened through Video Conferencing.

This petition is directed against order dated 26.02.2021 passed by the High Court of Uttarakhand at Nainital whereby Criminal Miscellaneous Application No.320 of 2020 filed by the petitioner (A-1) has been dismissed and the prayer of the petitioner for examining himself as a witness for the defence in terms of Section 315 read with Section 311 of the Cr.P.C. has been rejected.

The brief facts relevant to the disposal of the instant petition are that as per the prosecution version, an FIR was registered against the petitioner under Sections 302/34, 304B, 201,

34 IPC and Section 3/4 of the Dowry Prohibition Act on 27.12.2007 alleging that the marriage between the petitioner and the deceased was solemnized on 06.05.2002 and that from the time of marriage itself, there was a demand of dowry. It was further alleged that on 26.12.2007 (within 7 years of marriage), the petitioner and the other accused persons pursuant to a conspiracy murdered the deceased. Pursuant to the FIR, investigation was conducted and chargesheet against all the six accused persons under Sections 304B, 201 and 498A was filed. The petitioner's statement under Section 313 Cr.P.C was recorded on 17.08.2013. Subsequently, the petitioner supposedly obtained evidence regarding his alleged alibi on 06.05.2002 i.e. the date of incident, and his daughter's date of birth, and filed an application under Section 311 Cr.P.C. seeking examination of witnesses to prove certain documents, which was dismissed on 10.09.2014. Aggrieved by the said order, the petitioner filed a Criminal Misc.Application No.1240/2014 before the High Court of Uttarakhand, which was dismissed by the High Court on 11.10.2017. Against the same order, the petitioner approached this Court by way of filing SLP(Crl.)No.2304 of 2018, which was dismissed by this Court vide order dated 08.11.2019. Thereafter, almost on the same ground, another application was filed by the petitioner under Section 311 read with Section 315 Cr.P.C. before the trial court, which was dismissed on 10.02.2020. Feeling aggrieved by the said order, the petitioner challenged the order dated 10.02.2020 before the High Court of Uttarakhand, which as discussed above, was dismissed by the High Court vide impugned order dated 26.02.2021.

Challenging the impugned order dated 26.02.2021, the petitioner has approached this Court by way of filing the present special leave petition.

Heard learned counsel for the petitioner and carefully perused the material placed on record.

It appears from the facts of the instant case that the petitioner has adopted all possible dilatory tactics to delay the final adjudication of the case and has dragged on the case for

about 14 years. It also appears from the record that the petitioner is working as a constable in the Police Department.

Taking into consideration all these facts, we are of the considered view that there is no merit in the instant petition which is yet another attempt by the petitioner to delay the trial.

The special leave petition is, accordingly, dismissed. Taking into consideration the inordinate delay in proceeding the trial on account of the petitioner and to dissuade persons from taking recourse to such delay tactics, as the petitioner has adopted in this case, we consider it just and appropriate to impose costs of Rs.1,00,000/- (Rupees one lakh) on the petitioner, which shall be paid by him to the mother of the deceased within a period of one month from today.

If the petitioner fails to pay the above-mentioned amount to the mother of the deceased within the time stipulated hereinabove, respondent No.1 is directed to attach his properties and recover the amount of costs as arrears of land revenue.

Taking into consideration the long pendency of the matter, we direct the trial court to dispose of the matter, pending adjudication before it, on its own merit and in accordance with law within a period of three months from the date of communication of this order.

Consequent upon dismissal of the special leave petition, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)