

Ramesh Bahadur & Ors. vs. State of HP

CrMP(M) No. 2698 of 2025

24.11.2025 Present: Mr. Vijender Katoch, Advocate for the applicants.
Ms. Sharmila Patial, Deputy Advocate General, for the respondent.

Cr.M.P(M) No. 2698 of 2025

This application has been filed for condonation of delay of 162 days in filing appeal against judgment dated 11.04.2025 and order dated 16.04.2025 passed in Sessions Trial (ST) No. 7 of 2025 whereby the applicants have been convicted and sentenced to undergo life imprisonment and fine Rs.3,00,000/- each under Section 396 IPC, rigorous imprisonment for 10 years and fine Rs.1,00,000/- each under Section 460 IPC and 3 years rigorous imprisonment and fine Rs.1,00,000/- each under Section 120B IPC with 5 years, 3 years and 6 months simple imprisonment for respective default in paying fine amount.

2. It has been submitted by learned counsel for the applicants that earlier applicants were convicted and sentenced by the Trial Court vide judgment dated 27.07.2016 and order dated 1.8.2016 which were assailed by the applicants by filing Criminal Appeals No. 17 of 2017, 533 of 2016 and 534 of 2016 in this High Court. Those appeals were decided vide order dated 18.12.2024, whereby the case was remanded back to the Trial Court to dispose of afresh after recording the evidence through commission by following the proper procedure prescribed under law.

3. It has been submitted that against the order dated 18.12.2024, applicants had preferred three SLPs i.e. Special Leave to Appeal (Criminal) Nos. 3313, 3314 & 3315 of 2025. However, in those SLPs, no stay was granted by the Apex Court and resultantly, during pendency of those SLPs, evidence has been recorded by the Trial Court in compliance of order dated 18.12.2024 referred (Supra) and trial has been concluded by convicting and sentencing the applicants again under Sections 396, 460 & 120-B of IPC.

4. Aforesaid Special Leave to Appeal (Criminal) No. 3313 to 3315 of 2025 are pending adjudication and on 21.11.2025 the same have been adjourned on request of learned counsel for applicants for listing next week.

5. It is apt to record that in aforesaid SLP(Cr.) No. 3313-3315 of 2025 on 7.3.2025 the Apex Court had only issued notice but had not stayed the proceedings before the Trial Court pursuant to the remand.

6. It has been further submitted by learned counsel for the applicants that State had also preferred a Special Leave Petition (Criminal) Diary No. 47506 of 2025 against order dated 18.12.2024 referred supra, which is also pending adjudication before the Apex Court and in the said petition vide order dated 06.10.2025, on the application of State, operation and effect of impugned order i.e. 18.12.2024, has been stayed and this petition has been ordered to be tagged with SLP(Cr.) No. 3313-3315 of 2025 for listing in due course.

7. It has also been submitted by learned counsel for the applicants that after passing the impugned judgment dated 11.4.2025

and order dated 16.4.2025 in Sessions Trial No. 7 of 2025 convicting/sentencing the applicants, they again, as per legal advice available to them, approached the Apex Court by filing Writ Petition (Criminal) No. 255 of 2025 against their conviction and sentence. However, this writ petition was withdrawn on 08.07.2025 to explore the other remedies available to the applicants under law. Copy of order dated 08.07.2025 has been placed on record with this application as Annexure A-1.

8. From the copy of order dated 29.8.2025 passed by the Apex Court in Special Leave Petition (Criminal) Diary No. 41423 of 2025, it is apparent that applicants had also assailed judgment and order dated 11.4.2025 and 16.4.2025 passed in Sessions Trial No. 7 of 2025 by filing the SLP(Cr.) Diary No.41423 of 2025 which was dismissed by the Apex Court on 29.8.2025 by passing following order:-

- “1. Delay condoned.
2. Heard learned counsel for the petitioners.
3. The Trial Court convicted the petitioners for the offences punishable under Sections 395, 396, 460, 302 and 120-B of the Indian Penal Code, 1860 vide judgment and order dated 27.07.2016 and awarded life imprisonment.
3. The aforesaid judgment and order of the Trial Court was assailed by the petitioners before the High Court. The High Court set aside the same and remitted the matter to the Trial Court to dispose of the matter afresh in view of the fresh report of the Commission.
4. In pursuance thereof, the Trial Court has proceeded and passed the impugned judgment and order dated 11.04.2025 and again convicting the petitioners and awarding life imprisonment.

5. The said judgment and order has been challenged by the petitioners by means of the present special leave petition(s).

6. Admittedly, the petitioner has a statutory remedy of appeal against the aforesaid decision and therefore, the special leave petition(s) are per se not maintainable.

7. The submission of learned counsel for the petitioners is that they are entitled to maintain the special leave petition(s) inasmuch as against an earlier order of the High Court dated 18.12.2024 remitting the matter to the Trial Court, they have preferred another special leave petition bearing SLP(Crl.) Nos. 3313-3315 of 2025, which have been entertained by this Court.

8. We have perused the order dated 17.03.2025 passed by this Court in the above special leave petitions and note that the Court has only directed for issuance of notice but has not stayed the proceedings pending before the Trial Court pursuant to the remand.

9. In view of the above, if the Trial Court has proceeded and decided the matter pursuant to the order of remand passed by the High Court, we are of the opinion that no illegality has been committed. The fresh order so passed gives rise to a fresh cause of action to the petitioners which they can always assail for filing a statutory appeal.

10. Accordingly, the present petition(s) stand(s) dismissed.

1. Pending application(s), if any, shall stand disposed of....”

9. Now, the applicants are serving their sentence as a convict in Model Central Jail, Nahan and in the aforesaid circumstances, present application has been filed for condonation of delay in filing the appeal preferred by the applicants against the aforesaid conviction and sentence vide judgment dated 11.4.2025 and order dated 16.4.2025.

Taking into consideration the aforesaid facts and circumstances, delay of 162 days in filing the appeal is condoned. The application is allowed and disposed of.

Cr.Appeal No. _____ of 2025 (Cr.A. ST(C-DB)/9335 of 2025)

Be registered.

Notice. Ms. Sharmila Patial, Deputy Advocate General, appears and waives service of notice on behalf of respondent.

Admit.

Records be requisitioned.

List for hearing in due course after completion.

Cr.MP No. _____ of 2025 (Cr.MPST Nos. 9346 of 2025)

Cr.MP No. _____ of 2025 (Cr.MPST Nos. 9347 of 2025)

Reply to the application(s) be filed within four weeks.

List on **06.01.2026**.

(Vivek Singh Thakur)
Judge

November 24, 2025
(vriti)

(Romesh Verma)
Judge