

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.469 of 2019

Md. Sahabuddin Baig Appellant

Versus

The Union of India through C.B.I./ SPE, Ranchi

.... Respondent

With

Cr. Appeal (SJ) No.284 of 2019

Ramanand Ram @ Ramannand Ram Appellant

Versus

The Union of India through C.B.I. Respondent

With

Cr. Appeal (SJ) No.364 of 2019

Smt. Shobha Sinha Appellant

Versus

The Union of India through C.B.I. Respondent

With

Cr. Appeal (SJ) No.444 of 2019

Md. Ilyas Hussain @ Md. Illiyas Hussain

.... Appellant

Versus

The Union of India through Central Bureau of Investigation

.... Respondent

With

Cr. Appeal (SJ) No.457 of 2019

Kedar Paswan Appellant

Versus

The Union of India through CBI/ SPE/Ranchi

.... Respondent

With

Cr. Appeal (SJ) No.458 of 2019

Dhudheshwar Nath Singh @ Dudheshwar Nath Singh

.... Appellant

Versus

The Union of India through C.B.I. Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellant

: Mr. Samir Malik, Advocate (In Cr.Appeal (SJ) No.469 of 2019)

For the C.B.I. : Ms. Nitu Sinha, Advocate
Mr. Rohit Sinha, Advocate

Order No.12 Dated- 09.06.2021

I.A. Nos.1691 of 2021, 2353 of 2021 and 8963 of 2019 in Cr. Appeal (SJ) No.469 of 2019

Heard the parties through video conferencing.

2. The learned counsel for the appellant-petitioner submits that he is not ready for hearing of the appeal on its merit and only ready for hearing the matter of bail to which the three interlocutory application relates, as the Hon'ble Supreme Court of India has passed the following order dated 05.05.2021 in Writ Petition (s) (Criminal) No(s). 190 of 2021:-

"We are not inclined to entertain this writ petition filed under Article 32 of the Constitution of India seeking bail.

Accordingly, the writ petition is dismissed.

However, it is open for the petitioner to press his bail application, which is said to be pending before the High Court. The petitioner is given liberty to file an application for expeditious hearing of that bail application bearing I.A. No. 8963 of 2019.

We hope and trust that the said bail application shall be decided as expeditiously as possible, preferably within four weeks from the date of filing of such application.

Pending application(s), if any, stands disposed of accordingly."

Heard the learned counsel for the appellant and the respondents on these three interlocutory applications which relate to prayer for suspension of execution of sentence and release of the appellant on bail. After hearing the submissions when this Court was about to dictate the order in open court, Mr. Samir Malik-learned counsel for the appellant-petitioner of Cr. Appeal (SJ) No.469 of 2019 prays that order be not passed in these three interlocutory application and prays for time to file a written note of argument and further submits that the appellant-petitioner of these three interlocutory applications will be prejudiced unless a written notes of arguments is filed by him.

4. This Court is conscious of the order passed by the Hon'ble Supreme Court of India in the said Writ Petition (s) (Criminal) No(s). 190 of 2021 but as Mr. Samir Malik- learned counsel for the appellant-petitioner of Cr. Appeal (SJ) No.469 of 2019 prays for time to file written notes of arguments, this Court in view of the submission of the appellant-petitioner of these three interlocutory applications which is contradictory to the submissions made by this appellant-petitioner before the Hon'ble Supreme Court of India in the said Writ Petition

(s) (Criminal) No(s). 190 of 2021, for expeditious hearing of the said I.A. No. 8963 of 2019, this Court allows the prayer for time of the appellant-petitioner of Cr. Appeal (SJ) No.469 of 2019, in order to give ample time to the satisfaction of the said appellant-petitioner to put forth all his grounds. Accordingly this court grants time to the appellant-petitioner to file written notes of arguments after serving a copy of the same upon the learned counsel for the respondent and the learned counsel for the respondent.

5. Mr. Rohit Sinha- learned counsel for the respondent submits that he wants at least two working days' time after receipt of the copy to file reply to the written notes of arguments to be submitted by Mr. Samir Malik- learned counsel for the appellant-petitioner of Cr. Appeal (SJ) No.469 of 2019.

6. Considering the aforesaid submission, list these appeals after the written notes of arguments and the reply thereto, if any, is filed by the respondent for hearing of all these appeals on merit as well as for hearing of these three interlocutory applications if the appellant-petitioner herein does not get ready for hearing of the appeal on merit.

7. After completion of the submission of the written notes of arguments and reply thereto, the parties are at liberty to submit mention slip if the case is not listed in view of the orders of this court in administrative side regarding the listing of cases.

(Anil Kumar Choudhary, J.)