

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI)... 2013

CRLMP.NO(s). 3635

(From the judgement and order dated 11/01/2013 in BA No.1160/2012, of The  
HIGH COURT OF DELHI AT N. DELHI)

OM PRAKASH MANN

Petitioner(s)

VERSUS

PRADEEP KHATRI & ANR.

Respondent(s)

(for permission to file SLP and ex-parte stay)

Date: 21/02/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)

Mr. Sunil K Mittal, Adv.  
Mr. Kshitij Mittal, Adv.  
Mr. Himanshu Shekhar, Adv.  
Mr. Harish Pandey, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Permission granted.

This petition is utterly misconceived. We say so because the order under challenge simply makes certain clarifications with regard to certain observations made by a Single Judge of the High court while hearing a bail matter. The order does not determine, much less finally, any right or liability of the parties to the proceedings. In the ordinary course any observation made by a Court hearing a matter does not require any clarification by the Court making the same, for such observations may not only be tentative unless the same are translated into an effective final order in the case. Even so, the need for a clarification appears to have arisen on account of the fact that the very same bail matter was listed before another Judge where the observations made by the Judge earlier hearing the case appear to have been mentioned and relied upon. It was in that backdrop that the matter was listed again before the Learned Single Judge who had earlier heard the same for a possible clarification as to the background in which the observations were made. The Court making the observations, therefore, committed no mistake in making a clarification to warrant our interference. The apprehension expressed by the learned counsel for the petitioner that the clarification may prejudice his case before the Judge now hearing the matter is without any basis whatsoever and needs mention only to be rejected. So long as there is no final order on the subject, observations, if any made, would not prevent the parties from addressing arguments nor would it prevent the Court hearing the bail matter from passed such orders as

may be considered just and proper in the circumstances of the case.  
With these observations, the Special Leave Petition is dismissed.

| (N.K. GOEL)  
| COURT MASTER

| | (VEENA KHERA)  
| | COURT MASTER

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