

ITEM NO.1

COURT NO.4

SECTION II-C

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).10616/2022

(Arising out of impugned final judgment and order dated 22-10-2018 in WPHC No. 64/2017 passed by the High Court of Karnataka Circuit Bench at Dharwad)

LATHA

Petitioner(s)

VERSUS

SACHIN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.59201/2022-CONDONATION OF DELAY IN FILING and IA No.59205/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59203/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. A. Sirajudeen, Sr. Adv.
Ms. Manjeet Chawla, AOR
Mr. Yashvardhan S.Soam, Adv.

For Respondent(s)

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

- 1 Mr A Sirajudeen, senior counsel, appears on behalf of the petitioner, engaged as a counsel by the Supreme Court Legal Services Committee.
- 2 There is a delay of 412 days in filing the Special Leave Petition which has been sought to be explained on the ground that the petitioner did not have the resources to fund the litigation and, therefore, sought legal aid.
- 3 Delay is condoned.

- 4 Having heard senior counsel appearing on behalf of the petitioner, we are not inclined to interfere with the judgment of the High Court in the exercise of the jurisdiction under Article 136 of the Constitution. However, this is subject to a clarification and a modification both of which would not require notice to be issued to the respondents.
- 5 As for the clarification, we observe that the finding of the High Court that the petitioner had misused the process of the Court was unnecessary for the decision on the *habeas corpus* petition. Therefore, it shall not come in the way of the petitioner pursuing independent rights and remedies in accordance with law.
- 6 The modification of the order of the High Court is to the extent of the costs of Rs 50,000 imposed on the petitioner. In the facts and circumstances, the direction for the payment of costs shall stand deleted.
- 7 Subject to the aforesaid, the Special Leave Petition is disposed of.
- 8 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER