

ITEM NO.1

COURT NO.5

SECTION II

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

Transfer Petition(s)(Criminal) No(s). 266/2024

SHWETA JAISWAL

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

[MEDIATION REPORT]

(IA No. 51963/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 70818/2024 - EX-PARTE STAY, IA No. 51965/2025 - EXEMPTION FROM FILING O.T. AND IA No. 70821/2024 - EXEMPTION FROM FILING O.T.)

Date : 08-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. Sanjay K Chaddha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

For Respondent(s) :Mr. Pvraghunandan, Adv.
Mr. Naresh Kumar, AOR

Mr. Ankit Goel, AOR
Ms. Shweta Yadav, Adv.

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

1. On 10.09.2024, the following order was passed by
this Court:

"We have heard learned counsel appearing for the parties as also the learned counsel for the complainant (husband of the petitioner) appearing on caveat, though not a party in these proceedings.

List this matter after two months.

In the meantime, let the prosecution first examine the father-in-law of the petitioner, who is injured. After his deposition is over, the prayer of the petitioner for transfer of Criminal Case No.85947 of 2023 would be considered.

Interim order dated 01.04.2024 shall remain suspended till such time the deposition of the injured father-in-law is recorded. Trial Court is directed to proceed with the trial accordingly."

2. Thereafter, when the matter came up on 11.11.2024, in order to explore the possibility of an amicable settlement, the matter was referred to Supreme Court Mediation Centre. A report has been received from the Mediation Centre that the mediation has failed.

3. Today, learned counsel for the petitioner submits that despite the order dated 10.09.2024 requiring the father-in-law of the petitioner to be examined in the trial, despite lapse of about eight months, his evidence has not been recorded.

4. Learned counsel for the petitioner further submits that the respondent is misusing the indulgence granted by this Court *vide* order dated 10.09.2024.

5. On the other hand learned counsel appearing for the respondent-State has pointed out that the petitioner, who is the accused in the said case, has never appeared before the Trial Court, and as such the

Trial Court is unable to proceed with the trial. He has pointed out to the order-sheets filed along with I.A. No.51965 of 2025. He, therefore, submits that once the petitioner appears before the Trial Court, the evidence would be accordingly recorded.

6. Another grievance raised by the learned counsel for the petitioner is that no maintenance has been paid by the husband of the petitioner so far and the petitioner is literally living in penury with her old parents and has no means to travel to attend the trial.

7. He further informs that in proceedings under Section 125 Cr.P.C., Rs.25,000/- (Rupees Twenty Five Thousand Only) was awarded as interim maintenance, but as the same was an *ex parte* order, the husband applied for recall of the said order, which application of the husband was allowed and the proceedings are still pending.

8. Learned counsel for the husband, who has appeared on previous dates also on caveat, submits that he has no instructions in that regard as to whether the respondent-husband is paying any maintenance to the wife.

9. Considering the aforesaid submissions made by learned counsel for the parties, we issue following directions:

(i) The Trial Court shall read out the accusations to the counsel for the petitioner and shall thereafter proceed to record the evidence. It would be open for the petitioner to appear through video conferencing on the dates when the trial is proceeding. The Trial Court will thus make sure that the statement of the Father-in-Law of the petitioner is recorded within two months.

(ii) The husband of the petitioner shall pay as an interim measure Rs.50,000/- (Rupees Fifty Thousand Only) within four weeks from today towards maintenance/sustenance of the petitioner. The said amount may be adjusted as and when the maintenance proceedings are decided.

10. List this matter on 05.08.2025.

11. As prayed, in the meantime parties, may exchange pleadings.

(NEETU KHAJURIA)
ASTT. REGISTRAR-CUM-PS

(RANJANA SHAILY)
ASSISTANT REGISTRAR