

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

Petition(s) for Special Leave to Appeal (Crl.) No. 3721/2000

(From the judgement and order dated 26/07/2000 in CRLP 1437/00
of The HIGH COURT OF KARNATAKA AT BANGALORE)

M. GANESH PADAKANNAYA

Petitioner (s)

VERSUS

STATE OF KARNATAKA

Respondent (s)

(With Appln(s). for stay)

Date : 05/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. S.N. Bhat,Adv.

For Respondent (s) Mr. Sanjay R. Hegde,Adv.

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

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After considering the grievance of the petitioner-accused, we find that the trial court has not violated the directions given by this Court in Raj Deo@@
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Sharma vs. State of Bihar, 1998 7 SCC 507 which were@@
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subsequently further enlarged as per Raj Deo Sharma II vs.@@
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State of Bihar, 1999 (7) SCC 604. The second judgment@@
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was delivered by this Court on 22.9.1999. We have noticed from the report submitted by the trial judge that the petitioner compelled the trial court to close the prosecution evidence on 27.9.1999, even though PW 1 was present then. Because of the compulsion of the petitioner the trial judge could not proceed with the examination of PW 1 on that day.

The trial judge has now reported that the case involves 300 exhibits and examination of PW 1 for a long period. That will also indicate that this case would come within the purview of the exception provided in the third clause in Raj Deo Sharma case ie., "unless for very

exceptional reasons to be recorded and in the interest of justice the court consider it necessary to grant further time for the prosecution to adduce evidence above the said time limit"

SLP is accordingly dismissed.

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Sushma

(H.K. Bhatia)
Court Master