

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CRLMP.NO. 4183/2009 IN
Petition(s) for Special Leave to Appeal (Crl) No(s).5639/2008
(From the judgement and order dated 30/06/2008 in CRLWP No.
486/2008 & SA No. 3887/2008 of The HIGH COURT OF UTTARANCHAL
AT NAINITAL)

KAMLESH Petitioner(s)

VERSUS

STATE OF UTTARKHAND & ORS. Respondent(s)
(For directions and office report)

Date: 13/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. N.M. Popli, Adv.
Mrs.B.Sunita Rao,Adv.

For Respondent(s) Mr. S.S. Shamsherry, Adv.
Mr. Jatinder Kumar Bhatia,Adv.

Mr. Arun K. Sinha,Adv

Mr. Abhishek Atrey,Adv

UPON hearing counsel the Court made the following
ORDER

By this application, the petitioner prays for revival of the special leave petition, which was disposed of vide order dated 23rd February, 2009 on the basis of statement made by the learned counsel for the petitioner that in the challan filed, the name of the petitioner did not figure.

In the application, it is stated that in fact in the supplementary challan filed by on 3rd September, 2008, the petitioner has been named as one of the accused.

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Crl.MP 4183/2009...contd..(It.3,Ct.11, Dt. 13/4/2009)

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Having heard learned counsel for the parties, we feel that since charge-sheets have already been filed upon conclusion of the investigations, at this stage there is no ground to quash the first information report, the main prayer in the special leave petition. Thus, the only course available to the petitioner is to surrender before the trial Court and seek a regular bail.

Accordingly, we dispose of the application with a direction that the petitioner shall surrender before the trial Court and on her filing an application for grant of bail, the same shall be considered in its correct perspective, preferably on the same day.

[Charanjeet Kaur]
Court Master

[Vijay Dhawan]
Court Master