

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION (CRIMINAL) NO(S).397/2023

CHETAN & ORS.

Petitioner(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

Respondent(s)

[ONLY CONNECTED MATTERS MENTIONED BELOW ARE LISTED UNDER THIS ITEM]
[TO BE TAKEN UP AT 3:00 P.M.]

WITH

W.P.(CrI.) No. 441/2023 (X)

(IA No. 45945/2024 - APPLICATION FOR VACATION OF INTERIM ORDER AND
IA No. 193092/2023 - STAY APPLICATION)

W.P.(CrI.) No. 459/2023 (X)

(IA No. 202321/2023 - STAY APPLICATION)

W.P.(CrI.) No. 477/2023 (X)

(IA No. 206699/2023 - STAY APPLICATION AND IA No. 213599/2024 -
WITHDRAWAL OF CASE/APPLICATION)

W.P.(CrI.) No. 615/2023 (X)

(IA No. 247805/2023 - STAY APPLICATION)

SLP(CrI) No. 15694/2023 (II-C)

(IA No.252482/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.252484/2023-STAY APPLICATION and IA
No.252483/2023-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(CrI.) No. 631/2023 (X)

(IA No. 213085/2024 - APPLICATION FOR PERMISSION AND IA No.
254285/2023 - STAY APPLICATION)

SLP(CrI) No. 937/2024 (II-C)

(IA No. 16105/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT AND IA No. 16106/2024 - STAY APPLICATION)

SLP(CrI) No. 923/2024 (II-C)

(IA No. 16010/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

SLP(CrI) No. 1484-1496/2024 (II-C)

(IA No. 23671/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 115899/2024 - STAY APPLICATION AND IA No.
23670/2024 - STAY APPLICATION)

Diary No(s). 4464/2024 (II-C)
(IA No. 32497/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 32502/2024 - PERMISSION TO FILE PETITION (SLP/TP/WP/..), IA No. 32500/2024 - STAY APPLICATION AND IA No. 218373/2024 - WITHDRAWAL OF CASE / APPLICATION)

SLP(Crl) No. 1985-1987/2024 (II-C)
(IA No. 33592/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 33590/2024 - STAY APPLICATION)

SLP(Crl) No. 1618-1620/2024 (II-C)
(IA No. 27092/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 27096/2024 - STAY APPLICATION)

SLP(Crl) No. 1617/2024 (II-C)
(IA No. 27079/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 27081/2024 - STAY APPLICATION)

SLP(Crl) No. 1775/2024 (II-C)
(IA No. 29979/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Crl) No. 3044/2024 (II-C)
(IA No. 31101/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 31102/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Crl) No. 2129/2024 (II-C)
(IA No. 29951/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 6538/2024 (II-C)
(IA No. 54169/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 54166/2024 - PERMISSION TO FILE PETITION)

SLP(Crl) No. 3496/2024 (II-C)
(IA No. 60007/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(Crl) No. 4295/2024 (II-C)
(IA No. 219827/2024 - DISCHARGE OF ADVOCATE ON RECORD AND IA No. 219832/2024 - WITHDRAWAL OF CASE / APPLICATION)

SLP(Crl) No. 4297/2024 (II-C)
(IA No. 219847/2024 - APPLICATION FOR PERMISSION AND IA No. 219835/2024 - DISCHARGE OF ADVOCATE ON RECORD)

SLP(Crl) No. 4301/2024 (II-C)
(IA No. 134824/2024 - APPLICATION FOR VACATION OF INTERIM ORDER AND IA No. 213593/2024 - WITHDRAWAL OF CASE/APPLICATION)

W.P.(Crl.) No. 195/2024 (X)
(IA No. 100843/2024 - STAY APPLICATION AND IA No. 213590/2024 -
WITHDRAWAL OF CASE / APPLICATION)

W.P.(Crl.) No. 212/2024 (X)
(IA No. 216999/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES, IA No. 112358/2024 - STAY APPLICATION
AND IA No. 149563/2024 - VACATING STAY)

SLP(Crl) No. 6839/2024 (II-C)
(IA No. 219771/2024 - APPLICATION FOR PERMISSION, IA No.
219718/2024 - DISCHARGE OF ADVOCATE ON RECORD, IA No. 115362/2024 -
EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.
115363/2024 - EXEMPTION FROM FILING O.T. AND IA No. 219760/2024 -
WITHDRAWAL OF CASE / APPLICATION)

W.P.(Crl.) No. 237/2024 (X)
(FOR ADMISSION and IA No.126756/2024-STAY APPLICATION)

W.P.(Crl.) No. 252/2024 (X)
(FOR ADMISSION and IA No.131045/2024-STAY APPLICATION)

Date : 01-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Rishi Malhotra, Sr. Adv.
Mr. Prem Malhotra, AOR

Mr. Vinay Navare, Sr. Adv.
Mr. Prem Malhotra, AOR

Mr. Jaydip Pati, AOR

Ms. Rebecca John, Sr. Adv.
Mr. Siddhartha Iyer, AOR
Mr. Sarthak Maggu, Adv.
Ms. Anushka Baruah, Adv.
Mr. Chhatresh Kumar Sahu, Adv.

For Respondent(s) Mr. Shreekant Neelappa Terdal, AOR
Mr. Arkaj Kumar, Adv.
Mr. Nar Hari Singh, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Sachin Sharma, Adv.
Mr. Rohit Pandey, Adv.
Mr. Shivank Pratap Singh, Adv.
Mr. Bhuvan Kapoor, Adv.
Ms. Sunita Sharma, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Annam Venkatesh, Adv.

Mr. Ishaan Kapoor, Adv.
Mr. Kamal Kishore, Adv.
Mr. M.K. Maroria, AOR

Mr. Kamal Kishore, Adv.
Ms. Sunita Sharma, Adv.
Mr. Rohit Pandey, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Nar Hari Singh, Adv.
Mr. Ishaan Kapoor, Adv.
Mr. Shivank Pratap Singh, Adv.
Mr. M.K. Maroria, AOR
Mr. Arkaj Kumar, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Sachin Sharma, Adv.

Mr. Praveen Kumar Jha, AOR

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

W.P.(CRL.) NO. 441/2023 [ITEM NO.56.1]

We permit the petitioners to withdraw this Petition and file separate petitions dealing with individual cases of the petitioners. The Writ Petition is, accordingly, disposed of as withdrawn.

The interim order dated 22nd September, 2023 passed by this Court in this Writ Petition is extended by a period of three weeks from today.

W.P.(CRL.) NO. 459/2023 [ITEM NO.56.2]

The learned counsel appearing for the State, on instructions, pointed out that the State Government is reconsidering the cases of the petitioners for grant of premature release. We direct the State Government to take an appropriate decision within a period of four weeks from today.

List on 8th November, 2024.

In the meanwhile, the interim relief granted earlier by this Court to continue.

W.P.(CRL.) NO. 477/2023 [ITEM NO.56.3]

IA No.213599/2024 (FOR WITHDRAWAL OF WRIT PETITION QUA PETITIONER NOS.5 AND 10)

We accept the apology tendered in this Application and dismiss the Petition as far as petitioner nos.5 and 10 are concerned. We direct petitioner nos.5 and 10 to immediately surrender.

W.P.(CRL.) NO. 477/2023

Petitioner no.1 has been already released as stated by the learned counsel appearing for the respondent-State. Hence, the Petition as far as petitioner no.1 is concerned has become infructuous and the same is disposed of as such.

As regards other petitioners (except petitioner nos.1, 5 and 10), we permit them to withdraw this Petition and file separate petitions dealing with individual cases of the petitioners.

The Writ Petition is, accordingly, disposed of as withdrawn.

The interim relief granted earlier to the concerned petitioners (except petitioner nos.1, 5 and 10) by this Court *vide* order dated 9th October, 2023 will continue to operate for a period of three weeks from today.

W.P.(CRL.) NO. 615/2023 [ITEM NO.56.4]

The learned senior counsel appearing for the petitioners seeks permission to withdraw this Petition.

The Writ Petition is, accordingly, dismissed as withdrawn.

The interim order dated 8th December, 2023 stands vacated.

SLP (CRL.) NO. 15694/2023 [ITEM NO.56.5]

The petitioner is not entitled to the benefit of interim order dated 8th December, 2023, as on that date, the furlough granted to the petitioner had already expired. Unless the petitioner surrenders, this Petition cannot be considered on merits.

List on 21st October, 2024.

W.P.(CRL.) NO. 631/2023 [ITEM NO.56.6]

There is a blatant false statement made in this Petition at least at two places (page E and page 3 - paragraph 3A) that the petitioners have been convicted predominantly for the offences punishable under Section 302 of the Indian Penal Code, 1860. Now, it is revealed that petitioner nos.4 and 6 were convicted for different offences.

We, therefore, allow IA No.213085/2024 seeking withdrawal of Petition *qua* petitioner nos.4 and 6 by accepting the apology tendered by the learned counsel for the petitioners. The Petition is, accordingly, dismissed as withdrawn as far as petitioner nos.4 and 6 are concerned. We direct petitioner nos.4 and 6 to immediately surrender.

As far as other petitioners (except petitioner nos.4 and 6) are concerned, we permit them to withdraw the Petition with liberty to file separate petitions dealing with individual cases of the petitioners. The Writ Petition is, accordingly, disposed as withdrawn.

We make it clear that those petitioners whose furlough had not

expired on 8th December, 2023, will continue to benefit by the interim order dated 8th December, 2023 for a period of three weeks from today.

SLP (CRL.) NO.937/2024 [ITEM NO.56.7]

While passing the impugned order dated 4th January, 2024, the High Court did not extend the interim order. On 25th January, 2024, it was not pointed out to this Court by the learned counsel for the petitioner that as of that date, the petitioner was not protected by any interim order or an order of furlough. Therefore, the interim relief will not operate. The case of the petitioner shall be considered only after he surrenders.

List on 11th November, 2024.

SLP (CRL.) NO. 923/2024 [ITEM NO.56.8]

The learned counsel appearing for the State pointed out that the case of the petitioner is being reconsidered.

List on 11th November, 2024.

In the meanwhile, the interim relief granted earlier by this Court *vide* order dated 25th January, 2024, shall continue to operate.

SLP (CRL.) NO. 1484-1496/2024 [ITEM NO.56.9]

Before 2nd February, 2024, when the interim order was passed, the petitioners ought to have surrendered as the High Court while passing the impugned order dated 24th January, 2024, did not extend any interim relief. Hence, the interim order dated 2nd February, 2024 passed by this Court is vacated. The case of the petitioners

shall be considered only after all of them surrender.

List on 18th November, 2024.

DIARY NO(S). 4464/2024 [ITEM NO.56.10]

Application seeking permission to file Special Leave Petition is allowed.

An unconditional apology tendered on behalf of the petitioners in IA NO.218373/2024 is accepted.

We dispose of the Special Leave Petition by permitting the petitioners to file appropriate proceedings before the High Court.

The petitioners are directed to immediately surrender.

Pending applications stand disposed of accordingly.

SLP (CRL.) NO. 1985-1987/2024 [ITEM NO.56.11], SLP (CRL.) NO. 1618-1620/2024 [ITEM NO.56.12] AND SLP (CRL.) NO. 1617/2024 [ITEM NO.56.13]

When the interim order dated 2nd February, 2024 was passed by this Court in these Petitions, it was not pointed out that the petitioners had no protection. Hence, the interim orders are vacated. The case of the petitioners shall be considered only after all of them surrender.

List on 18th November, 2024.

SLP (CRL.) NO. 1775/2024 [ITEM NO.56.14]

When the interim order dated 9th February, 2024 was passed by this Court in this Petition, it was not pointed out that the petitioner had no protection. Hence, the interim order is vacated. The case of the petitioner shall be considered only after he surrenders.

List on 18th November, 2024.

SLP (CRL.) NO. 3044/2024 [ITEM NO.56.15]

Heard the learned senior counsel appearing for the petitioner.

The writ petition filed by the petitioner is pending before the High Court. While passing an order on the application for interim relief (Crl. M.A. No.662/2023), in paragraphs 20 and 21, certain observations have been made on merits. Obviously, the said observations have been made only for the purposes of considering the prayer for interim relief. The said observations will have no bearing when the writ petition is taken up for final hearing. The High Court will decide the writ petition on its own merits without being influenced by the said observations. We are informed across the Bar that the main writ petition before the High Court is kept for hearing on 24th October, 2024. The interim order dated 27th February, 2024 passed by this Court will continue to operate till the disposal of the writ petition before the High Court.

The Special Leave Petition is, accordingly, disposed of.

Pending applications stand disposed of accordingly.

SLP (CRL.) NO. 2129/2024 [ITEM NO.56.16], DIARY NO(S). 6538/2024 [ITEM NO.56.17] AND SLP (CRL.) NO. 3496/2024 [ITEM NO.56.18]

The learned senior counsel appearing for the petitioners seeks permission to withdraw these Petitions with liberty to file substantive Petitions before the High Court.

The Petitions are, accordingly, disposed of as withdrawn with liberty as prayed.

The interim relief granted by this Court in these Petitions

stands vacated.

SLP (CRL.) NO. 4295/2024 [ITEM NO.56.19], SLP (CRL.) NO. 4297/2024 [ITEM NO.56.20] AND SLP (CRL.) NO. 4301/2024 [ITEM NO.56.21]

As factually incorrect statements have been made in these Petitions, the learned counsel appearing for the petitioners seeks permission to withdraw these Petitions with liberty to file appropriate proceedings before the High Court. The apology tendered by him is accepted.

The Special Leave Petitions are, accordingly, disposed of as withdrawn with liberty as prayed.

The interim order dated 19th March, 2024 stands vacated.

W.P.(CRL.) NO. 195/2024 [ITEM NO.56.22]

As there are incorrect statements made on facts in this Petition, the learned senior counsel appearing for the petitioners seeks permission to withdraw the Petition with liberty to file appropriate petition before the High Court. The apology tendered is accepted.

The Writ Petition is, accordingly, disposed of as withdrawn with liberty as prayed.

The interim order dated 29th April, 2024 stands vacated.

W.P.(CRL.) NO. 212/2024 [ITEM NO.56.23]

The prayers made in this Writ Petition give an impression that the prayer made by both the petitioners for premature release has been rejected by an order dated 30th June, 2023 of the Sentence Review Board. It is revealed that only the case of petitioner no.1 has been rejected. We permit petitioner no.1 to file an

appropriate petition before the High Court for challenging the said order.

As regards petitioner no.2, the learned counsel appearing for the State pointed out that his case is being considered. The order passed in the case of petitioner no.2 shall be communicated to him. As far as petitioner no.2 is concerned, the interim relief granted earlier by this Court shall continue to operate for a period of three weeks from the date on which the order passed in his case is communicated to him.

The Writ Petition is disposed of accordingly.

Pending application stands disposed of accordingly.

SLP (CRL.) NO. 6839/2024 [ITEM NO.56.24]

The learned counsel appearing for the petitioners seeks permission to withdraw the Special Leave Petition with liberty to file appropriate petition before the High Court. Accordingly, the Special Leave Petition is disposed of withdrawn with liberty as prayed.

The petitioners are directed to surrender immediately.

W.P.(CRL.) NO. 237/2024 [ITEM NO.56.25]

The learned counsel appearing for the State pointed out that appropriate order will be passed within a period of four weeks from today.

List on 18th November, 2024.

In the meanwhile, the interim relief granted earlier by this Court *vide* order dated 30th May, 2024, shall continue to operate.

W.P.(CRL.) NO. 252/2024 [ITEM NO.56.26]

The learned senior counsel appearing for the petitioner seeks permission to withdraw the Petition. The Writ Petition is, accordingly, dismissed as withdrawn.

The petitioner is directed to immediately surrender.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)