

ITEM NO.33

COURT NO.5

SECTION X

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

Writ Petition(s)(Criminal) No(s). 397/2023

CHETAN & ORS.

Petitioner(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

Respondent(s)

([ONLY CONNECTED MATTERS ARE LISTED UNDER THIS ITEM])

WITH SLP(Cr1) No. 1985-1987/2024
(IA No. 250510/2024 - WITHDRAWAL OF CASE / APPLICATION
IA No.33590/2024 - STAY APPLICATION
IA No.33592/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No.253942/2024 - INTERIM BAIL
IA No.255330/2024 - INTERIM BAIL
IA No.255340/2024 - INTERIM BAIL
IA No.256225/2024 - INTERIM BAIL
IA No.260907/2024 - MODIFICATION OF COURT ORDER)

SLP(Cr1) No. 1484-1496/2024
(IA No. 23671/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 258063/2024 - INTERIM BAIL
IA No. 115899/2024 - STAY APPLICATION
IA No. 23670/2024 - STAY APPLICATION)

SLP(Cr1) No. 1618-1620/2024
(IA No. 27092/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 27096/2024 - STAY APPLICATION)

SLP(Cr1) No. 1617/2024
(IA No. 27079/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 27081/2024 - STAY APPLICATION)

SLP(Cr1) No. 1775/2024
(IA No. 29979/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

W.P.(Cr1.) No. 237/2024
(IA No. 126756/2024 - STAY APPLICATION)

W.P.(Cr1.) No. 426/2023
(IA No. 45793/2024 - APPLICATION FOR VACATION OF INTERIM ORDER
IA No. 189666/2023 - STAY APPLICATION)

W.P.(Cr1.) No. 485/2023
(IA No. 12055/2024 - EXTENSION OF TIME
IA No. 10596/2024 - EXTENSION OF TIME
IA No. 208462/2023 - GRANT OF BAIL)

Date : 18-11-2024 These petitions 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. Md. Azam Ansari, AOR
Mr. Farrukh Jamal, Adv.
Ms. Shahjahan, Adv.
Mr. Kamal, Adv.
Mr. Lokesh Sharma, Adv.

Mr. Kanhaiya Singhal, AOR
Mr. C. Sharma, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. Zoheb Hussain, Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. Vatsal Joshi, Adv.
Mr. Rohit Pandey, Adv.
Mr. Shivank Pratap Singh, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Nar Hari Singh, Adv.
Ms. Sunita Sharma, Adv.
Mr. Ishaan Kapoor, Adv.
Mr. Sachin Sharma, Adv.
Mr. Kamal Kishore, Adv.
Mr. Shreekant Neelappa Terdal, AOR

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

IA Nos. 250510 and 260907 of 2024 in
SLP(Cr1) Nos. 1985-1987/2024

When this Court was not inclined to entertain these
two applications, the learned counsel appearing for the

applicant-petitioner No.12 seeks permission to withdraw the applications. The applications are accordingly dismissed as withdrawn.

SLP(Cr1) Nos.1985-1987/2024

As far as the petitioners who have not surrendered in terms of this Court's order dated dated 1st October, 2024 except those in whose favour an order of permanent remission has been passed, the petitions shall stand dismissed for non-prosecution.

We direct the respondent to consider the cases of only those petitioners who have surrendered in terms of this Court's order dated 1st October, 2024 and take appropriate decision within a period of six weeks from today. The decision shall be placed before the Court on 3rd January, 2025.

All applications for grant of bail are dismissed.

SLP(Cr1) Nos. 1484-1496/2024

The learned counsel appearing for petitioner No.13 states that the signature of petitioner No.13 was obtained on the Special Leave Petition without even informing him what were the contents of this petition.

We direct the Petitioner No.13 to file an affidavit to that effect within a period of one week from today.

We direct the jail authorities to permit the petitioner No.3 to affirm an affidavit to the above effect before the concerned officer of the jail.

As regards rest of the petitioners, we make it clear that those who have not surrendered pursuant to the order dated 1st October, 2024, the petition stands dismissed.

We direct the respondent-State to consider the case of only those petitioners who have surrendered pursuant to the aforesaid order. Their cases shall be considered on or before 3rd January, 2025.

List on 3rd January, 2025.

SLP(Cr1) Nos.1618-1620/2024

It is an admitted position that the petitioner No.2-Mohd.Shakeel has been granted the benefit of premature release.

The learned counsel appearing for the respondent-State pointed out that as regards the other two petitioners, on 15th October, 2024, the prayer for their premature release has been rejected.

We direct the learned counsel for the respondent-State to supply copies of the order to the learned counsel for the petitioners.

We dispose of these petitions by permitting the two petitioners to challenge the order rejecting the prayer for premature release in accordance with law.

Pending applications also stand disposed of.

SLP(Cr1) No. 1617/2024

It is an admitted position that the petitioner has surrendered on 8th October, 2024 and his application for grant of premature release is pending. The application shall be decided within a period of six weeks from today.

List on 3rd January, 2025.

SLP(Cr1) No. 1775/2024

The learned counsel appearing for the respondent-State pointed out that after the petitioner surrendered, his case was considered for premature release and by an order dated 15th October, 2024, the application has been rejected.

We direct the learned counsel appearing for the respondent-State to supply a copy of the order to the learned counsel for the petitioner.

The Special Leave Petition is disposed of with liberty granted to the petitioner to challenge the order rejecting the benefit of premature release.

Pending application also stands disposed of.

W.P.(Cr1.) No. 237/2024

The learned counsel appearing for the respondent-State made a statement that appropriate decision will be taken by the State on the prayer for premature release within a period of two weeks from today. As soon as the decision is taken, a copy thereof be supplied to the learned counsel appearing for the petitioners and the petitioners.

List on 3rd January, 2025.

The interim order granted earlier by this Court shall continue to operate.

W.P.(Cr1.) No. 426/2023

The Writ Petition as regards the second petitioner has been already withdrawn.

The learned counsel appearing for the respondent-State states that the cases of the first and the third petitioners are under consideration.

We direct the respondent-State to take appropriate decision within a period of six weeks from today.

List on 3rd January, 2025.

The interim order granted earlier by this Court shall continue to operate.

W.P.(Cr1.) No. 485/2023

The submission of the learned senior counsel appearing for the petitioner is that the case of the petitioner is covered by paragraph 3.1 of the order dated 16th July, 2024. He states that the exclusion mentioned in clauses (a) to (c) of paragraph 3.1 will not apply.

The learned counsel appearing for the respondent-State seeks time to take instructions.

List on 9th December, 2024 to enable him to take instructions.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER