

RSLP(Crl.) 3753/16

1

ITEM NO.6

COURT NO.2

SECTION IIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.3753/2016

(Arising out of impugned final judgment and order dated 04/02/2016

in CRLM No.37497/2015 passed by the High Court of Patna)

NIRUPAM SRIVASTAV

Petitioner(s)

VERSUS

STATE OF BIHAR AND ANR.

Respondent(s)

(With appln. (s) for exemption from filing O.T. and interim relief and office report)

Date : 07/03/2017 This petition was called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE DIPAK MISRA

HON&#39;BLE MR. JUSTICE A.M. KHANWILKAR

HON&#39;BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Braj K. Mishra, Adv.

Ms. Aparna Jha, AOR

Mr. Abhishek Yadav, Adv.

Mr. Amit Bhagat, Adv.

For Respondent(s) Mr. Gopal Singh, AOR

Mr. Aditya Raina, Adv.

Mr. Kanhaiya Priyadarshi, AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Braj K. Mishra, learned counsel for the petitioner and Mr. Kanhaiya Priyadarshi, learned counsel for the respondent No.2-wife.

SLP(Crl.) 3753/16

2

The petitioner is an accused under Section 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961. This Court on 1st

July, 2016, had

passed the following order:-

â- S Petitioner is directed to deposit a sum of

Rupees ten lacs with the trial court within four weeks and file proof of the same.

Subject to the above, issue notice and the matter shall be referred to the Patna High Court Mediation Centre.

In the meanwhile, no coercive steps, including arrest, be taken against the petitioner.

If the deposit is not made within the time stipulated by this Court, the special leave petition shall stand dismissed without further reference to the Court.â- \235

It is submitted by the learned counsel for the petitioner that the amount has been deposited before the trial court. Be it noted, the matter was sent for mediation, but the parties could not arrive at a settlement. Be that as it may.

Having heard learned counsel for the parties, we are inclined to direct that the petitioner shall be enlarged on bail on furnishing bond of Rs.10,000/-, with one surety to the satisfaction of the arresting officer. The petitioner shall abide by the terms and conditions stipulated under Section 438(2) of the Code of Criminal Procedure

As the parties have not arrived at a settlement, out

of Rs.10,00,000/- (Rupees ten lakh only), which has been deposited before the trial court, Rs.9,50,000/- (Rupees nine

SLP(Crl.) 3753/16

3

lakh fifty thousand only) be refunded to the petitioner-husband. The balance amount of Rs.50,000/- (Rupees fifty thousand only) be paid to the respondent No.2-wife as she has been compelled to contest this litigation. The special leave petition is, accordingly, disposed of.

(Chetan Kumar)

Court Master (H.S. Parasher)

Court Master