

Listed on
Court NO.
Item No.

**SECTION IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL MISCELLANEOUS PETITION**

CRIMINAL MISCELLANEOUS PETITION NO. 7020 OF 2015

(Application for condonation of delay in filing the Special Leave Petition)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL(CRL.) NO. OF 2015

WAJID KHAN

...PETITIONER

VERSUS

STATE OF KARNATAKA & ORS.

...RESPONDENTS

OFFICE REPORT

The matter above mentioned has been filed by M/s. S-legal Associates, Advocates on behalf of the Petitioner against the Judgment and Final Order dated 08.06.2010 of the High Court Karnataka Circuit Bench at Gulbarga in Criminal Appeal No. 2110 of 2005.

It is submitted that there is a delay of 1663 days in filing the Special Leave Petition and the Petition is accompanied with application for condonation of delay in filing the Special Leave Petition.

It is further submitted that an application for bail in Criminal Appeal No. 2237 of 2010 arising out of same judgment was listed before Hon'ble Judge in Chambers on 14.02.2011 when His Lordship was pleased to grant bail. The Criminal Appeal No. 2237 of 2010 still pending for hearing before Hon'ble Court. A copy of Record of Proceedings dated 14.02.2011 has been included at page no. 109 as Annexure P-2 in Special Leave Petition paper books for kind perusal of the Hon'ble Court.

It is further submitted that the Counsel for the Petitioner has filed the instant matter as Special Leave Petition(Crl.) instead of filing Criminal Appeal against the reversal of conviction.

It is further submitted that inadvertently application for

exemption from surrendering has been registered in the Special Leave Petition and the same was listed before Hon'ble Judge in Chambers on 20.04.2015, when His Lordship was pleased to pass the following order:

"It is submitted that out of ten years of sentence the petitioner has already undergone six years of sentence and that it is a case of reversal of conviction.

In such circumstances, the exemption from surrendering is allowed."

It is further submitted that M/s S. Legal Associates Counsel for the Petitioner vide letter dated 06.05.2015 stating therein that inadvertently in the petition Special Leave Petition(Crl.) was mentioned instead of Criminal Appeal and as per Supreme Court Rules reversal of order would be filed as Criminal Appeal and he has further requested to correct in the paper books on Criminal Appeal. Copy of letter is enclosed herewith for kind perusal of the Hon'ble Court.

It is lastly submitted that the direction of Hon'ble Court are solicited for conversion of instant Special Leave Petition(Crl.) into Criminal Appeal.

The application in the matter above mentioned is therefore listed before Hon'ble Court with this office report.

Dated this the 29th day of June, 2015.

ASSISTANT REGISTRAR

Copy to

M/s. S-legal Associates, Advocates

ASSISTANT REGISTRAR