

ITEM NO.101

COURT NO.2

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 2264/2015

(Arising out of impugned final judgment and order dated 26-08-2014 in DSR No. 1/2014 26-08-2014 in CRLA No. 563/2014 passed by the High Court Of Delhi At New Delhi)

RAHUL

Petitioner(s)

VERSUS

STATE OF DELHI MINISTRY OF HOME AFFAIRS & ANR.

Respondent(s)

(IA No. 4735/2015 - Appln. for exempt from filing c/c of impugned order & IA No. 4736/2015 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 597-598/2016 (II-C)

(IA No.109664/2017-I/A FOR PERMISSION TO FILE ANNEXURES A-1 TO A-39 IN THE FORM OF VOLUME II - LEGAL AID MATTER)

SLP(Cr1) No. 3171-3172/2015 (II-C)

Date : 08-12-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Ms. Sonia Mathur, Sr. Adv. (AC)
Mr. Harinder Mohan Singh, AOR
Mr. Sushil K. Dubey, Adv.
Ms. Shivani Misra, Adv.
Mr. Puneet Pathak, Adv.

Mr. A. Sirajudeen, Sr. Adv.
Ms. Nidhi , AOR (SCLSC)
Ms. Suvarna S. Ganu, Adv.
Mr. Jagdip Pati, Adv.
Mr. Parnam Prabhakar, Adv.
Mr. Manoj Selvaraj, Adv.
Mr. C. Salomon, Adv.
Md. Javed Malik, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Ms. Kiran Suri, Ld. Senior Adv.

Ms. Ruchi kohli, Adv.
Mr. Prashant Singh , Adv.
Mr. SS Ray, Adv.
Mr. Abhay Kumar, Adv.
Ms. Srishti Mishra, Adv.
Mr. B.L.N. Shivani, Adv.
Ms. Celeste Agarwal, Adv.
Ms. Shivika B, Adv.
Mr. Rustom Chauhan, Adv.
Mr. Manvendra Singh, Adv.
Mr. Aman Sharma, Adv.
Mr. Gurmeet Singh Makker, AOR

Dr. Charu wali khanna Adv.
Dr. (mrs.) Vipin Gupta, AOR
Mr. Dharmendra Baghel, Adv.

Mr. Nagamuthu, Sr. Adv.

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

I

Heard Ms. Sonia Mathur, learned Senior Advocate who appeared as amicus curiae and Mr. A. Sirajudeen, learned Senior Advocate assisted by Ms. Nidhi, learned Advocate who appeared on behalf of SCLSC for the accused-appellants. The submissions on behalf of the State were advanced by Ms. Aishwarya Bhati, learned ASG.

The arguments on the issue of conviction are concluded. The learned counsel are at liberty to file their revised submissions within a week.

By order dated 25.11.2021, we had passed following directions:

"1. the respondent - State to place before us the report of the Probation Officer relating to the petitioner (s) as early as possible and preferably by 03.12.2021.

2. We direct that the report of the Jail Administration about the nature of the work done by petitioner(s) while in jail be placed before us by 03.12.2021.

3. We also feel that the interest of justice dictates that we obtain a psychological evaluation of the petitioners. We direct the Director, VIMHANS to constitute a suitable team for the psychiatric evaluation of the petitioners in all the three cases. The said report also be placed before us by 03.12.2021.

The Jail Authorities shall co-operate with the team of experts for facilitating access and due evaluation of the petitioners in all respects.

A copy of this order be communicated to the Director VIMHANS."

A communication has been received from VIMHANS that because of various issues including under-staffing, it would not be possible for them to comply with the directions issued by this Court. Consequently direction No. 3 issued above be substituted by following direction:

"We direct the Director, Institute of Human Behaviour and Allied Science, New Delhi to constitute a suitable team for the Psychiatric evaluation of the accused appellants in all the three cases."

The Registry shall send due intimation to Institute of Human Behaviour and Allied Sciences.

Let the report be placed before this Court as early as possible and preferably by 04.01.2022 .

List this matter at 2.00 p.m. on 11.01.2022.

II

After the earlier part of the order was dictated, Mr. S. Nagamuthu, learned Senior Advocate of this Court invited our attention to the judgment dated 23.08.2016 passed by the Madras High Court in Criminal Appeal Nos.169, 488 of 2015 and 386 of 2016.

Since the judgment had dealt with an issue concerning

IMEI number of a Cell Phone, we take the judgment on record, subject to its copies being furnished to all the learned counsel who had appeared in these matters.

The Registry is directed to furnish copies of the aforesaid judgment to all the learned counsel who may, in their written submissions, deal with said judgment.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER