

ITEM NO.42

COURT NO.17

SECTION II-A

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 (CrI.) No(s). 209/2023

(Arising out of impugned final judgment and order dated 08-12-2022 in MCRC No. 47491/2022 passed by the High Court of M.P. Principal Seat at Jabalpur)

PHOOLCHAND KARUN

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

Date : 30-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE

For Petitioner(s) Mr. R.C. Mishra, Sr. Adv.
Mr. Ananya Mishra, Adv.
Mr. Mahendra Kumar, Adv.
Mr. Alok Kumar Dwivedi, Adv.
Mr. S. Dev Sharma, Adv.
Mr. Ilin Saraswat, Adv.
Mr. Rajnish Kumar Jha, AOR

For Respondent(s) Ms. Mrinal Gopal Elker, AOR
Mr. Abhimanyu Singh-g.a., Adv.
Mr. Kameshwarnath Mishra, Adv.

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

A complaint has been filed against the petitioner - Dr. Phoolchand Karun (who is a Government Servant in the State of Madhya Pradesh) under Section 295-A of the Indian Penal Code (IPC) and Section 67 of the Information Technology Act, 2000. The bail was granted to the petitioner by the Sessions Court vide its order dated 27.08.2018. The trial Court vide its order dated 17.08.2022 framed charges against the petitioner. Against the order of

framing charges, petitioner preferred a revision under Section 397 of the Cr.P.C. before the Sessions Court. The Sessions Court vide order dated 22.09.2022 dismissed the revision petition and also cancelled the bail granted to the petitioner.

Aggrieved by the said order, the petitioner filed a petition under Section 482 of the Cr.P.C. before the High Court. The High Court has not interfered with the matter and dismissed the petition filed under Section 482 of the Cr.P.C. and order of the Sessions Judge cancelling bail granted to him was affirmed.

In the facts and circumstances of the case though we do not find any ground to interfere with the order(s) of trial Court, Appellate Court and the Revisional Court as far as it concerns dismissing the discharge application of the petitioner inasmuch as the charges have already been framed and the trial is presently preceding the matter but considering the totality of circumstances and the fact that the petitioner is a government servant and was already granted bail, the order of the Appellate Court (Sessions Courts) and the order of the High Court as far as cancelling the bail application is hereby set aside.

The petitioner will abide by the same conditions on which he was granted bail earlier.

The special leave petition is disposed of.

(NEETA SAPRA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)