

OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL

Dis.No. *41*/Estt/2024

dated *4* -01-2024

Letter of the Hon'ble High Court of Andhra Pradesh ROC No.792/SO/2023, dated 22-12-2023 along with copy of Order, dated 11-12-2023 of Hon'ble Supreme Court passed in Petition (s) for Special Leave to Appeal (Crl.) No.16025 with SLP (Crl) No.16047 of 2023, is herewith communicated for information and necessary action.

All the Judicial Officers working in Kurnool District are requested to download the above copy of letter of the Hon'ble High Court of Andhra Pradesh ROC No.792/SO/2023, dated 22-12-2023 along with copy of Order, dated 11-12-2023 of Hon'ble Supreme Court passed in Petition (s) for Special Leave to Appeal (Crl.) No.16025 with SLP (Crl) No.16047 of 2023, from District Court website i.e., <https://kurnool.dcourts.gov.in> for information and necessary action.

All the Judicial Officers are requested to submit the compliance report after downloading the above copy to this Court.

Privam

PRINCIPAL DISTRICT JUDGE,
KURNOOL.

To,

All the Judicial Officers in Kurnool District.

The Secretary, District Legal Services Authority, Kurnool.

The Senior Superintendent (Accounts), Principal District Court, Kurnool.

The Stenographer Grade-I, Principal District Court, Kurnool.

The Translator, Principal District Court, Kurnool.

The System Officer, District Court, Kurnool, with a direction to upload the same in the District Court's Official website.

(Revised)

"REPORTABLE"

ITEM NO.65

COURT NO.14

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 (Crl.) No.16025/2023

(Arising out of impugned final judgment and order dated 05-12-2023 in MCRCA No. 1434/2023 passed by the High Court of Chhatisgarh at Bilaspur)

KAVISH GUPTA

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(IA No. 257191/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 257192/2023 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 16047/2023 (II-C)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 257397/2023

FOR EXEMPTION FROM FILING O.T. ON IA 257398/2023

IA No. 257397/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 257398/2023 - EXEMPTION FROM FILING O.T.)

Date : 11-12-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Sidharth Dave, Sr. Adv.(N.P.)
Mr. Sidharth Luthra, Sr. Adv.
Mr. Gaurav Mehrotra, Adv.
Mr. Nadeem Murtaza, Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Prashast Puri, Adv.
Mr. Paavan Awasthi, Adv.
Mr. M. Shaz Khan, Adv.
Mr. Adnan Yousuf, Adv.
Mr. Kartikeye Dang, Adv.
Mr. Sahir Seth, Adv.

For Respondent(s)



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

SLP (Crl.) No.16025/2023

It is submitted that during the pendency of the application, the petitioner was arrested. In such circumstances, this application has become infructuous.

The Special Leave Petition stands dismissed as having become infructuous. However, it will be open to the petitioner to avail remedy available in the said circumstances by moving appropriate application.

SLP(Crl) No. 16047/2023

1. This Court held and reiterated that decisions on anticipatory bail applications / bail applications, are concerned with the liberty and therefore, shall be taken up and disposed of, expeditiously. On 21.02.2022 in SLP (Crl) No.1247/2022, a Bench of three Judges of this Court reiterated the same view. Virtually, this Court deprecated the practice of admitting the bail applications and thereafter deferring decisions on it unduly. The case on hand reveals recurrence of such a situation despite the repeated pronouncements of this Court on the very issue. In the case on hand, the petitioner who is accused No.1 in F.I.R. No.218/2023 of Police Station Vidhan Sabha, Raipur, Chhattisgarh registered under Section 420 read with Section 34 of the Indian Penal Code, 1860. Later, Sections 467, 468, 409 and 471, IPC were

also added. When the application was listed on 06.12.2023 before the Court, the Court passed the following order which reads, thus:-

"Mr. Aman Saxena, counsel for the applicant.

Ms. Hamida Siddiqui, Dy. Advocate General for the State.

Heard.

Admit.

Call for the case Diary.

List this case in its chronological order."

It is aggrieved by the said order that the captioned appeal has been preferred.

2. Heard Mr. Sidharth Luthra, learned Senior Counsel appearing for the petitioner at length.

3. The aforesaid order would reveal that on 06.12.2023, the matter was taken up for consideration and after hearing the petitioner, it was admitted and the case Diary was called for. At the same time, its discernible from the order that the case was not specifically posted to any date. What was ordered was to list the matter in its chronological order. When the matter would be placed before the Court for further consideration, in such circumstances, is nothing but a matter of guess.

4. We have no hesitation to hold that such an order sans definiteness in the matter relating to anticipatory bail/regular bail, that too after admitting the matter, would definitely delay due consideration of the application and such an eventuality will

be detrimental to the liberty of a person. It is taking into account such aspects that this Court held that such matters pertaining to personal liberty shall be taken up and decided at the earliest. It is a matter of concern that despite repeated orders, the same situation continues.

5. Hence, we request the learned Single Judge of the High Court to dispose of the pending anticipatory bail application, pending adjudication before him, on its own merits and in accordance with law, expeditiously and preferably within a period of four weeks from the receipt/ production of this Order. Till such time, we grant interim protection from arrest to the petitioner. We also make it clear that the grant of interim protection shall not influence the consideration of the bail application moved by the petitioner and it shall be considered on its own merits. In view of the recurrence of the said situation in different courts, the Registry shall send a copy of this Order to the Ld. Registrar General and all concerned of all the High Courts so as to ensure listing of bail applications/ anticipatory bail applications at the earliest.

6. The Special Leave Petition stand disposed of, as above.

7. Pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

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.16025/2023

(Arising out of impugned final judgment and order dated 05-12-2023 in MCRCA No. 1434/2023 passed by the High Court of Chhatisgarh at Bilaspur)

KAVISH GUPTA

Petitioner(s)

VERSUS

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Mr. M. Shaz Khan, Adv.
Mr. Adnan Yousuf, Adv.
Mr. Kartikeye Dang, Adv.
Mr. Sahir Seth, Adv.

For Respondent(s)

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

SLP (CrI.) No.16025/2023

It is submitted that during the pendency of the application, the petitioner was arrested. In such circumstances, this application has become infructuous.

The Special Leave Petition stands dismissed as having become infructuous. However, it will be open to the petitioner to avail remedy available in the said circumstances by moving appropriate application.

SLP(CrI) No: 16047/2023

1. This Court held and reiterated that decisions on anticipatory bail applications / bail applications, concerned with the liberty shall be taken up and disposed of, expeditiously. On 21.02.2022 in SLP (CrI) No.1247/2022, a Bench of three Judge Bench of this Court reiterated the same view. Virtually, this Court deprecated the practice of admitting the bail applications and at the same time, not taking up thereafter. The case on hand reveals that the same situation continues despite the repeated pronouncements of this Court on the aforesaid issue. In case on hand, the petitioner who is accused No.1 in connection with F.I.R. No.218/2023 of Police Station Vidhan Sabha, Raipur, Chhattisgarh under Section 420 read with Section 34, and later added Section 467,468, 409 and 471 of

the Indian Penal Code, 1860. When the application was listed on 06.12.2023 before the Court, the Court passed the following order which reads, thus:-

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3. The aforestated order would reveal that on 06.12.2023, the matter was taken up for consideration and after hearing the petitioner, it was admitted and the case Diary was called for. At the same time, its discernible from the order that the case was not specifically posted to any date. What was ordered was to list the matter in its chronological order. When the matter would be placed before the Court for further consideration, in such circumstances, it is nothing but a matter of guess.

4. We have no hesitation to hold that this action of indefinite

adjournment in matter relating to anticipatory bail, that too after admitting the matter would definitely detrimental to the liberty of a person. Taking into account such aspects that this Court held that such matters pertaining to personal liberty shall be taken up and decided at the earliest. It is a matter of concerned that despite repeated orders, the same situation continues.

5. We request the learned Single Judge of the High Court to dispose of the pending anticipatory bail application, pending adjudication before him, on its own merits and in accordance with law, expeditiously and preferably within a period of four weeks from the receipt/ production of this Order. Till such time, we grant interim production from arrest to the petitioner. We also make it clear that granting of interim protection shall not influence the consideration of the bail application moved by the petitioner and it shall be considered on its own merits. In view of the recurrence of the said situation, the Registry shall send a copy of this Corder to the Ld. Registrar General and all concerned of the High Court so as to ensure listing of bail applications/ anticipatory bail applications at the earliest.

6. The Special Leave Petition stand disposed of, as above.

7. Pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

Dr. Y. LAKSHMANA RAO
REGISTRAR GENERAL



AMARAVATI
(Off) : 0863 2372613
(Telefax) : 0863 2372631

ROC No.792/SO/2023

Dated 21.12.2023

To
All the Principal District Judges
in Andhra Pradesh.
Sir/Madam,

Sub: High Court of Andhra Pradesh – Order dated 11.12.2023 of Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No. 16025 of 2023 with S.L.P.(Crl.) No.16047 of 2023 directing to ensure listing of bail applications/anticipatory bail applications at the earliest – Forwarded for information and necessary action – Reg.

Ref: Order dt.11.12.2023 of Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (Crl.) No. 16025 of 2023 with S.L.P (Crl.) No. 16047 of 2023.

Adverting to the subject and reference cited, as directed, I am forwarding herewith the copy of order dated 11.12.2023 of Hon'ble Supreme Court passed in Petition(s) for Special Leave to Appeal (Crl.) No. 16025 of 2023 with SLP (Crl.) No. 16047 of 2023 for information and necessary action.

Further, I also request you communicate the same to all the Judicial Officers in your Unit for information and necessary action.

Yours sincerely, *Rao*

Y. Lakshmana Rao
21/12/23
REGISTRAR GENERAL

Encl: As stated.

30/12
RD. 10324
30/12/23