

ITEM NO.10

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No. 36908/2022

(Arising out of impugned final judgment and order dated 11-11-2022 in BA No. 3925/2020 passed by the High Court of Delhi at New Delhi)

JEEWAN MONDAL

Petitioner(s)

VERSUS

STATE NCT OF DELHI

Respondent(s)

(IA No.189071/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.189073/2022-EXEMPTION FROM FILING O.T. and IA No.189070/2022-EXEMPTION FROM CUSTODY CERTIFICATE)

Date : 13-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Kanhaiya Singhal, AOR
Mr. Chetan Bhardwaj, Adv.
Mr. Prasanna, Adv.
Mr. Priyal Garg, Adv.
Mr. Udit Bakshi, Adv.
Mr. Ajay Kumar, Adv.

For Respondent(s)

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

Learned counsel for the petitioner submits that the petitioner has been compelled to approach this Court as on filing a bail application before the High Court, notice was issued on 09.12.2020 and the bail has still not been heard for a period of 2 years. He has annexed the orders passed during this time from Page Nos. 42 to 55 stating the orders passed after initial hearing on 23.2.2021, 19.03.2021, 09.04.2021, 04.08.2021, 13.12.2021,

20.12.2021, 04.02.2022, 01.04.2022, 21.04.2022, 02.05.2022, 24.05.2022, 17.08.2022 and 18.08.2022. Thereafter the last impugned order has been passed on 11.11.2022 summoning the Trial Court record for consideration of the bail application and the matter has been adjourned to 18.01.2023. We believe that it is not for us to tell the High Court how to deal with the matters pending before them. However, we cannot countenance the position that more than 2 years a bail application is not decided and keeps on getting adjourned on most occasions because the prosecution wants dates. We cannot appreciate as to routine order to summon the Trial Court record in digital format. A bail order is not like an appeal that the Trial Court record is fully to be seen before the bail is considered.

We consider it appropriate that an order along with the file pending before the High Court be placed before the Hon'ble Chief Justice of the High Court for necessary consideration on this aspect.

The Registrar of the High Court to submit a report.

List in the re-opening week after the winter recess.

Copy of the order be given dasti to the petitioner.

(NEETA SAPRA)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)