

ITEM NO.46

COURT NO.16

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave to Appeal (Crl.) No(s).11919/2024

[Arising out of impugned final judgment and order dated 27-05-2024 in A482 No. 8190/2023 passed by the High Court of Judicature at Allahabad]

RAMDULAR SINGH

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(With IA No. 196713/2024 - EXEMPTION FROM FILING O.T.)

Date : 02-12-2024 The matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Divyesh Pratap Singh, AOR
Ms. Shivangi Singh, Adv.
Mr. Suraj Prakash Singh, Adv.
Mr. Amit Sangwan, Adv.
Mr. Ashu Bhindwar, Adv.
Ms. Sneha Chandna, Adv.

For Respondent(s) Mr. Ajay Kumar Mishra, Sr. Adv.
Mr. Garvesh Kabra, AOR
Mr. Amit Singh, Adv.
Mr. Avnish Deshpande, Adv.
Mrs. Sujata Upadhyay, Adv.

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

1. Read the office report dated 29th November, 2024.
2. Notice sought to be served on the respondent no.2 appears to have been returned with the postal remark "receiver went somewhere and will return only after 5-6 days, hence notice could not be served."
3. Having regard to the short issue involved in the special leave petition, we do not consider it necessary to wait for the respondent no.2 to appear.

4. According to the petitioner, a civil dispute has been given the colour of a criminal offence and proceedings launched against him based on the complaint of the respondent no.2. He had approached the High Court with a petition¹ under Section 482 of the Code of Criminal Procedure, 1973 challenging such proceedings. On 28th March, 2023, the High Court reserved judgment without, however, passing any interim order. Exactly 14 (fourteen) months later, i.e., on 27th May, 2024, the High Court de-reserved judgment and directed listing of the said petition before an appropriate Bench.

5. Learned counsel for the petitioner expresses a grievance that in the absence of any order of stay passed by the High Court, the proceedings against the petitioner which continued have reached the stage of charges being framed, thereby effectively rendering the petition before the High Court infructuous.

6. We do not know the exact reason as to why the learned Judge of the High Court, despite lapse of 14 (fourteen) months since judgment was reserved, could not deliver the judgment and dispose of the petition one way or the other.

7. Be that as it may, without expressing any further comment on the matter of keeping a reserved judgment pending for 14 (fourteen) months and then not delivering the same, we request the roster bench of the High Court to dispose of the petition in accordance with law as early as possible, preferably within three months from date upon hearing all the parties. Should there be any lack of cooperation from any party, the High Court may proceed according to law.

8. Till such time, the matter is considered next by the High Court, there shall be stay of proceedings before the trial court, i.e., the court of the Additional Chief Judicial Magistrate-IV, Varanasi, in Case No. 330 of 2019. The petitioner shall be at liberty to seek extension of the order of stay till the disposal of the

¹ Criminal Misc. Application No. 8190/2023

petition on merits.

9. With the aforesaid observation, the special leave petition stands disposed of.

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

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)