

ITEM NO.5

COURT NO.6

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7062/2023

(Arising out of impugned final judgment and order dated 17-05-2023 in CRLMA No. 13401/2023 in Crl.M.C. No 172 of 2023 passed by the High Court Of Delhi At New Delhi)

GULSHAN ARORA & ANR.

Petitioner(s)

VERSUS

STATE OF NCT OF DELHI & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.111431/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 31-05-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE PANKAJ MITHAL
(VACATION BENCH)

For Petitioner(s) Mr. Satish Kumar, AOR

For Respondent(s)

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

- 1 The petitioners have questioned the judgment and order dated 17th May 2023 passed by the Delhi High Court. By the said order, the petition under Section 482 of the Code of Criminal Procedure presented by the petitioners was directed to be listed on 7th August, 2023; but, within seven days from 18th May 2023, the Court required the petitioners to deposit

20% of the amount of fine determined by the Trial Court in terms of paragraph 24 of its judgment and order dated 1st May 2023.

- 2 Having heard learned counsel for the petitioners and on perusal of the orders dated 1st May, 2023 and 17th May, 2023, we are not inclined to interfere with the order under challenge except to the extent indicated hereunder.
- 3 Keeping in mind the submission of the learned counsel that the first petitioner is a sexagenarian and that the second petitioner has suffered certain physical disability recently, for which he had to be admitted in a hospital, we accept the request for further time. Accordingly, in modification of the time given by the High Court, we extend the time to deposit the said sum of 20% in the manner as follows:
 - (i) 10% of the amount of fine shall be deposited with the Trial Court by the petitioners by 10th June, 2023; and
 - (ii) the balance 10% of the amount shall be deposited by 7th July 2023.
- 3 Should there be a default in deposit of any instalment, as above, law shall take its own course. And, in such event, apart from other consequences that the petitioners might suffer, the application under Section 482 of the Code of Criminal Procedure from which this petition arises shall stand dismissed without any further reference to the Court.

- 4 However, in the event the deposits are made in terms as above, the High Court shall be free to decide the application under Section 482 in accordance with law.

- 5 The Special Leave Petition is, accordingly, disposed of together with pending applications, if any.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(DIPTI KHURANA)
ASSISTANT REGISTRAR