

ITEM NO.5

COURT NO.5

SECTION II

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 (Cr1.) No(s).8049/2023

(Arising out of impugned final judgment and order dated 12-05-2023 in SBCRMFBA No.15548/2022 passed by the High Court of Judicature for Rajasthan at Jaipur)

MUKESH

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ANR.

Respondent(s)

IA No.125707/2023 - EXEMPTION FROM FILING O.T.

WITH

SLP(Cr1) No. 10718/2023 (II)

IA No. 164991/2023 - EXEMPTION FROM FILING O.T.

Date : 02-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Rishi Matoliya, AOR
Mr. Nikhil Kumar Singh, Adv.
Mr. Pavan Sharma, Adv.
Mr. Raghuveer Pujari, Adv.
Ms. Sumati Sharma, Adv.
Ms. Diya Purohit, Adv.

Mr. Praveen Swarup, AOR
Mr. Payal Swarup, Adv.
Mr. Devesh Maurya, Adv.
Ms. Pratishtha Majumdar, Adv.
Mr. Chander Shekher Malhotra, Adv.
Mr. Baij Nath Yadav, Adv.
Mr. Rajatdeep Sharma, Adv.

For Respondent(s) Ms. Indira Jaising, Sr. Adv.
Mr. Paras Nath Singh, AOR
Mr. Rohin Bhatt, Adv.

Mrs. Nilofar Khan, A.A.G.
Mr. Anjum Parvez, Adv.
Ms. Nilofar Khan, AOR

Ms. Shraddha Deshmukh, Adv.
Mr. Sandeep Kumar Jha, AOR

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

SLP(Cr1.)No.8049 of 2023

1. The petitioner seeks enlargement on regular bail in F.I.R.No.235/2017, registered at Police Station Karni Vihar, Jaipur (West) for offences under Sections 452, 302 and 120-B IPC. The case pertains to honour killing of husband of respondent No.2. She happens to be the real sister of the petitioner.

2. Shorn of the details, suffice to mention that the petitioner was earlier granted bail by the High Court but the said order was challenged by respondent No.2 in Criminal Appeal No.586 of 2021 @ SLP(Cr1.)No.3679 of 2021 before this Court. The said Appeal was allowed on 12.07.2021 and the order granting bail to the petitioner was set aside. It is true that the petitioner is in custody for the last about six and a half year. However, we are informed by learned Additional Advocate General, appearing on behalf of the respondent - State, that out of 47 witnesses, 42 have already been examined. As regards to the five remaining witnesses, she undertakes to produce the same before the Trial Court within a period of three months. The Trial Court is directed to ensure that all the remaining prosecution witnesses are produced within the time stipulated hereinabove. Thereafter, the Trial Court shall grant three months' time to the petitioner or his co-accused to lead their defence evidence, if any. In this manner, the trial would be concluded within a period of six months. The petitioner, his co-accused as well as the respondents are directed to cooperate with the Trial Court so that the trial is concluded within the above-mentioned time-line.

3. In the event of any further delay, the petitioner shall be entitled to revive his prayer for bail afresh before the Sessions Court, and such a prayer shall be considered as per its own merit without being influenced by the previous orders.

4. The Special Leave Petition is, accordingly, disposed of.

5. As a sequel thereto, the pending interlocutory application also stands disposed of.

SLP(Cr1) No. 10718/2023

1. Shorn of the details, the facts are being reproduced in SLP(Cr1.)No.8049 of 2023.

2. The instant petition is disposed of in terms of the order passed today in SLP(Cr1.)No.8049 of 2023.

3. As a sequel thereto, the pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)