



ITEM NO.3

COURT NO.4

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 (CrI.) No(s).6918/2024

(Arising out of impugned final judgment and order dated 23-09-2023 in CRLA No.100142/2023 passed by the High Court of Karnataka Circuit Bench at Dharwad)

VINAYAK @VINAYKGOUDA MARIGOUDA

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA &amp; ANR.

Respondent(s)

IA No.107603/2024 - EXEMPTION FROM FILING O.T.

Date : 30-08-2024 This matter was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Manjunath Meled, Adv.  
Mrs. Vijayalaxmi Udupudi, Adv.  
Mr. Ganesh Kumar R., AOR  
Mr. Sandeep Sharma, Adv.

For Respondent(s) Mr. V. N. Raghupathy, AOR  
Ms. Mythili S, Adv.

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

1. The petitioner is an under-trial in (i) Crime No.72/2020, registered at Gokak Town PS, under Sections 109, 120-B, 201 read with Sections 34, 35, 37 and 149 IPC and Sections 3(2), 3(4), 3(5) and 4 of the Karnataka Control of Organized Crimes Act, 2000. (ii) Crime No.126/2020 for the offences punishable under Sections 143, 147, 384, 504 and 506 read with Section 149 IPC. (iii) It seems that some more cases are also registered/pending against the petitioner.

2. It is not in dispute that the petitioner was arrested on 08.09.2020 and is in custody since then.

3. Despite opportunity being granted on 09.08.2024, the

respondent-State of Karnataka has chosen not to file any counter affidavit.

4. Mr. V.N. Raghupathy, learned counsel for the respondent-State points out that as per his instructions, the petitioner is involved in multiple cases and is a threat to the general public. He further submits that there are 21 accused who are moving one after the other Miscellaneous Applications before the Trial Court due to which the charges have not been framed so far.

5. We are surprised as well as disappointed with the stand taken on behalf of the State. If the accused persons are indulging in the abuse of the process of law by moving one after the other frivolous Applications, it is a fit case for the State to seek cancellation of bail of such accused who are on bail. Similarly, what prevents the Trial Court from framing charges, if the chargesheet has already been filed, cannot be countenanced. While we do not draw any adverse inference against the prosecution at this stage, we direct the Director General of Police, Karnataka to appoint a Senior Officer, preferably of the rank of Superintendent of Police, to monitor the cases registered against the petitioner and his co-accused and ensure that the Trial Court is provided adequate assistance of the Public Prosecutor as well as the witnesses when the trial commences.

6. In turn, the Trial Court is directed to pass order regarding framing of charges by 30.09.2024, notwithstanding the applications moved by the petitioner or his co-accused.

7. However, having regard to the period already undergone by the petitioner in custody, he is directed to be released on interim bail for a period of three months subject to his furnishing bail bonds to the satisfaction of the Trial Court and subject to further condition that he shall remain present before the Trial Court on each and every date of hearing. After the expiry of three months' period, the petitioner is directed to surrender before the Jail Authorities without fail. His conduct during this period be closely monitored.

8. The petitioner, his co-accused and their counsels are

directed to extend full cooperation to the Trial Court for expeditious hearing of the matter.

9. The Trial Court shall send a Status Report to this Court before the next date of hearing.

10. Post the matter for hearing on 25.10.2024.

(SATISH KUMAR YADAV)  
ADDITIONAL REGISTRAR

(SUDHIR KUMAR SHARMA)  
COURT MASTER (NSH)