

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1347 OF 2023
(Arising from SLP (CrI.) No. 7299/2022)

DINESH CHAUHAN

APPELLANT(S)

VERSUS

STATE OF RAJASTHAN & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

2. In the present matter, while granting permission to present appellant to file petition in this Court, notices were issued on 08.08.2022.

3. For the private respondent having not appeared despite service of notice and other factors stated before the Court, operation and effect of the impugned order was stayed and respondent No.2 was ordered to be taken in custody while expecting expeditious proceedings by the Trial Court. The Order dated 24.01.2023 reads as under:

“After granting permission to the petitioner to maintain this petition, notices were issued to the respondents. Learned counsel has appeared for the State-respondent No.1.

As per office report dated 23.01.2023, service of notice on respondent No.2 is complete by way of speed post tracking report. However,

no one has appeared for respondent No.2.

We have heard learned counsel for the petitioner and the learned counsel for the State-respondent No.1 and have examined the record, including the application filed by the petitioner seeking permission to place on record additional facts wherein the petitioner has, *inter alia*, asserted that after being released on bail, respondent No.2 has been extending threats to the petitioner and his family and in that regard, criminal complaint was filed for appropriate orders in terms of Sections 107, 116(3) of the Code of Criminal Procedure.

We have taken note of the overall circumstances as also the fact that respondent No.2 has chosen not to enter appearance despite service.

Issue fresh notice to respondent No.2, indicating that the matter shall be taken up for final hearing at the admission stage on the next date.

In the meanwhile and until further orders, operation and effect of the impugned order dated 20.12.2021 is stayed.

To make the consequences clear, it is provided that it shall be required of the Trial Court to ensure that respondent No.2 is taken in custody and remains in judicial custody until further orders of this Court.

It is also made clear that pendency of this petition and this order shall otherwise have no effect on the pending trial; and the Trial Court shall be expected to proceed expeditiously.

List the matter on 28th February, 2023."

4. It has now been pointed out that the trial is almost at the verge of completion in the sense that other witnesses have been examined and only the Investigating Officer is to be examined. In this

regard, learned counsel for the respondent No. 2 would submit that the said Investigating Officer had not appeared for about four months despite repeated summoning.

5. However, learned counsel for the appellant has submitted that as per his instructions, the Investigating Officer indeed appeared on the earlier occasion and now the matter is fixed for his evidence on 8th instant.

6. Taking the totality of facts and circumstances into account and the nature of accusations, we find it difficult to approve the order passed by the High Court but without any other comments on the matter, particularly when the trial is at the fag end, we would expect the Trial Court to assign priority to the matter and to ensure its final conclusion at the earliest, preferably before 30.06.2023.

7. With the requirements aforesaid, the impugned order dated 20.12.2021 is set aside but with the observations that this order shall, otherwise, not be of any bearing on the merit consideration of the matter by the Trial Court in accordance with law and with further liberty to respondent No.2 to apply for bail afresh if the matter is not concluded by the

Trial Court by 30.06.2023.

8. The appeal stands disposed of in the above terms.

9. Pending applications also stand disposed of.

....., J.
(DINESH MAHESHWARI)

....., J.
(SANJAY KUMAR)

**NEW DELHI;
MAY 01, 2023**

ITEM NO.49

COURT NO.6

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). 7299/2022

(Arising out of impugned final judgment and order dated 20-12-2021 in SBCRMBA No. 18661/2021 passed by the High Court Of Judicature For Rajasthan At Jaipur)

DINESH CHAUHAN

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(IA No. 20389/2022 - EXEMPTION FROM FILING O.T.)

Date : 01-05-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Aditya Jain, AOR
Ms. Bhavya Golecha, Adv.
Ms. Srika, Adv.

For Respondent(s) Mr. B.S. Rajesh Agrajit, Adv.
Ms. Jyoti Rana, Adv.
Ms. Priya Nagar, Adv.
Mr. Siddharth Goswami, Adv.
Ms. Meetu Goswami, Adv.
Mr. Milind Kumar, AOR

Mr. Shishir Kumar Saxena, Adv.
Mr. R.N. Pareek, Adv.
Mr. Brijendra Singh, Adv.
Mr. Praveen Swarup, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

Pending applications also stand disposed of.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)