

ITEM NO.8

COURT NO.14

OUT-TODAY
SECTION II-CS 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). 4589/2021

(Arising out of impugned final judgment and order dated 09-06-2021 in CRLP No. 200796/2021 passed by the High Court Of Karnataka At Kalaburagi)

KHADARPATEL & ORS.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(IA No. 73674/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 73676/2021 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 5482/2021 (II-C)

(IA No. 89990/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 89991/2021 - EXEMPTION FROM FILING O.T.)

Date : 19-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTAFor Petitioner(s) Mr. Ranjan Mukherjee, AOR
Ms. Narmada, Adv.
Mr. Anil Bhardwaj, Adv.For Respondent(s) Mr. V. N. Raghupathy, AOR
Mr. Md. Apzal Ansari, Adv.UPON hearing the counsel the Court made the following
O R D E R

On 06.07.2021, this Court while issuing notice directed stay

of arrest of the petitioners in Crime No. 46 of 2021.

Learned counsel for the State submits that the petitioners have not appeared before the Court and non-bailable warrants were issued. It is also stated that the charge-sheet was filed on 06.01.2022.

Learned counsel for the petitioners submits that the non-bailable warrants in this case were issued on the date the charge-sheet was filed i.e. 06.01.2022 after taking cognizance. He emphasized that the non-bailable warrants were issued despite this Court's order staying their arrest.

As is apparent, the charge-sheet has been filed and non-bailable warrants issued by the trial court. This Court has been apprised of the fact that the case is fixed before the trial court tomorrow i.e. 20.01.2023. It would hence be in the best interests of all parties if the pending applications before the trial court are decided (including the application filed by the petitioners for recalling the order issuing non-bailable warrants dated 06.07.2022). It is also open to the petitioners to seek any other remedy including applying for regular bail.

The special leave petitions are disposed of in the above terms.

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

(SONIA BHASIN)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)