

ITEM NO.1719

COURT NO.9

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

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO(S). 31497/2024

MAHADEVA

PETITIONER(S)

VERSUS

THE STATE OF KARNATAKA

RESPONDENT(S)

(FOR ADMISSION and IA No.159711/2024-EXEMPTION FROM FILING O.T. and
 IA No.159710/2024-EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 31-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANDEEP MEHTA
 [IN CHAMBER]

For Petitioner(s) Mr. Shanthkumar V. Mahale, Adv.
 Ms. Mrinal Pande, Adv.
 Ms. Adviteeya, Adv.
 Mr. Nishant, AOR

For Respondent(s)

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

IA No.159710/2024

1. The petitioner stands convicted for the offence punishable under Section 376 IPC *vide* judgment dated 26th March, 2011 passed by the trial Court which has been affirmed in Appeal by the learned Single Judge of the Karnataka High Court *vide* Judgment dated 22nd April, 2024 passed in Criminal Appeal No.409 of 2011. By way of this application, he seeks exemption from surrendering.

2. Learned counsel for the petitioner has drawn the attention of the

Court to the complaint and urges that a case of carnal relations between two consenting adults has been given the colour of rape for oblique motives. He urged that the FIR came to be filed after nearly 14 months of the incident. On these grounds, he prayed that the application seeking exemption from surrendering filed on behalf of the petitioner may be accepted.

3. In view of the peculiar facts and circumstances noted above, the prayer seeking exemption from surrendering is allowed.

4. The petitioner is exempted from surrendering pursuant to the rejection of his appeal by the High Court, for a period of six weeks from today.

5. In the meantime, the Special Leave Petition be processed for listing before the Court.

(Divya Babbar)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS