

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). 40756/2023

(Arising out of impugned judgment and order dated 14-07-2023 in CRLP No. 7216/2013 passed by the High Court of Andhra Pradesh at Amravati)

E.V. SATISH @ SATISH KUMAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.226916/2023-CONDONATION OF DELAY IN FILING and IA No.226915/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-11-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Y. V. Anil Kumar, Adv.
Mr. Gaichangpou Gangmei, Adv.
Ms. Lothungbeni T Lotha, Adv.
Mr. Yimyang Longkumer, Adv.
M/S AG Veritas Law, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Heard Mr. Gaichangpou Gangmei, learned counsel appearing for the petitioners.

The counsel would point out that parallel proceedings on the civil and the criminal side is initiated and therefore the High Court should have ordered for quashment of the criminal proceedings. In support of such contention, Mr. Gangmei would refer to the complaint registered on 08.03.2013 (Annexure A/3) and

also the finding of the Civil Court in the Original Suit No. 9 of 2013 against Issue No. 1, which reads as under:

“(1) Whether the agreement of sale dated 2-7-2009 is true, valid and was duly executed by the defendant in favour of the plaintiff for consideration and is binding on the defendant and is enforceable?

xx

xx

xx”

The finding on the above issue in the Suit is that the concerned sale agreement (Ex.A/1) dated 02.07.2009 cannot be treated to be a forged document. It is accordingly argued that in view of such finding of the learned Additional District Judge, Tirupati in the Original Suit No. 9 of 2013, the High Court should have leaned in favour of the accused who are made to suffer both in the criminal proceedings and also in civil proceedings.

Issue notice, returnable in four weeks.

In the meantime, the operation of the impugned judgment dated 14.07.2023 is stayed, until the returnable date.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR