

ITEM NO.16

COURT NO.2

SECTION II-A

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 (CrI.) No(s). 5423/2022

(Arising out of impugned final judgment and order dated 15-10-2019 in CRBA No. 3007/2018 passed by the High Court Of Judicature At Bombay)

VERNON

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

IA No. 64864/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 64993/2022 - EXEMPTION FROM FILING O.T.

IA No. 64867/2022 - EXEMPTION FROM FILING O.T.

IA No. 64990/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-08-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Ms. Rebecca John, Sr. Adv.
Mr. Chinmay Kanojia, Adv.
Mr. N. Sai Vinod, AOR
Mr. Pravir Singh, Adv.
Ms. Adya R. Luthra, Adv.

For Respondent(s) Mr. S.V. Raju, ASG
Ms. Sairica Raju, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Deepanbali Dutta, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Anand Dilip Landge, Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

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

This petition arises out of rejection of application for bail preferred by the present petitioner in connection with crime registered pursuant to F.I.R. No.4 of 2018 lodged with Vishrambag Police Station, Pune in respect of certain offences. Later, the offences punishable under the provisions of Unlawful Activities (Prevention) Act, 1967 (UAP Act, for short) were added. The petitioner was arrested on 28.08.2018 and has been in custody since then.

Ms. Rebecca John, learned senior advocate appearing for the petitioner, has invited our attention to three statements, stated to have been recovered from laptops of some other persons and three statements of witnesses (including one witness whose identity stands protected) which were recorded during the course of investigation. According to her, these statements do no spell out anything against the petitioner in respect of offences punishable under the provisions of UAP Act.

She has fairly invited our attention to certain portion from the supplementary charge-

sheet, which indicates that the location of the petitioner along with that of the other accused was found to be at Hyderabad at a given time.

Mr. S.V. Raju, learned Additional Solicitor General appearing for respondent No.2, on the other hand, has stressed the fact that the petitioner was already convicted by Sessions Court at Nagpur in trial No. 257 of 2011 for the offences punishable under Sections 10 and 13 of the UAP Act and was sentenced to three and five years of imprisonment on these two counts.

According to Mr. S.V. Raju, even after being released upon completion of sentence, the petitioner continued with these activities and the gravity of the activities is discernible from the statements recovered from the laptops as well as those made by the witnesses during the course of investigation. He further submits that out of sixteen accused who were taken in custody, one accused having died, presently there are fifteen accused in custody, while other four are still absconding. It is stated by him that he has advised the concerned public prosecutor either to take the appropriate steps for segregating the trial in

respect of fifteen accused, who are presently before the Court, and/or to take appropriate steps for issuance of proclamation declaring the other four accused to be proclaimed offenders. It is further stated that the arrested accused have been preferring some application or the other, as a result of which the concerned Court is unable to take up the matter for effective consideration and see whether charges need to be framed or not.

In the circumstances, we direct as under :

- (a) The respondent shall take appropriate steps either to have the trial segregated against the arrested accused and/or pray for issuance of appropriate declaration under Section 82 of the Code of Criminal Procedure.
- (b) The trial Court shall consider the matter whether charges are required to be framed against the accused or not. We have been apprised that some of the accused have already preferred application seeking discharge, those applications shall also be heard simultaneously.

Let the entire exercise be undertaken within three months from today.

List the present special leave petition for hearing before this Court on 25th November, 2022.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
COURT MASTER