

ITEM NO.9

COURT NO.2

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4289/2021

(Arising out of impugned final judgment and order dated 15-06-2021 in CRLA No. 90/2021 passed by the High Court Of Delhi At New Delhi)

STATE OF NCT OF DELHI

Petitioner(s)

VERSUS

DEVANGANA KALITA

Respondent(s)

(IA No. 54434/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 60391/2022 - INTERVENTION APPLICATION)

WITH

SLP(Crl) No. 4288/2021 (II-C)

SLP(Crl) No. 4287/2021 (II-C)

Date : 02-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Suryaprakash V.raju, A.S.G.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Rajat Nair, Adv.
Mr. B.k.satija, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Amit Sharma (b), Adv.
Dr. N. Visakamurthy, Adv.

For Respondent(s) Mr. Siddharth Aggarwal, Sr. Adv.
Ms. Sowjhanya Shankaran, Adv.
Mr. Siddharth Satija, Adv.
Mr. Abhinav Sekhri, Adv.
Ms. Pritha Srikumar, AOR
Mr. Aditya Rajagopal, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. Adit S. Pujari, Adv.
Ms. Tusharika Mattoo, Adv.
Mr. Kunal Negi, Adv.
Ms. Aditi, Adv.

Mrs. Pragya Baghel, AOR

Mr. Mehmood Pracha, Adv.

Mr. Sanawar Chaoudhary, Adv.

Mr. Jatin Bhatt, Adv.

Mr. Dhruv Yadav, Adv.

Mr. Harshit Gahlot, Adv.

Mohd. Hasan, Adv.

Mr. Tanveer, Adv.

Mr. Sufyan Hasan, Adv.

Ms. K.V. Bharathi Upadhyaya, AOR

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

The impugned order is an extremely elaborate order of bail interpreting various provisions of the UAPA Act. In our view the only issue which is required to be examined in such matters is whether in the factual scenario an accused is entitled to bail or not. It is this argument which persuaded us while issuing notice on 18.06.2021 to observe that the impugned judgment cannot be treated as a precedent and may not be relied upon by any of the parties in any other proceedings. The idea was to protect the State against use of the judgment on enunciation of law qua interpretation of the provisions of the UAPA Act in a bail matter. The respondents have been on bail now for almost two years. We see no purpose in keeping these matters alive.

We may notice that one of the co-accused has filed an application seeking in a way to interpret our interim directions dated 18.06.2021

and submitting that the said observations were coming in the way of seeking bail.

The applicant is a co-accused. If the co-accused is entitled to a plea on parity, that is for him to make and the Court to consider. We want to make it clear at a cost of repetition that the purpose of the interim order dated 18.06.2021 was that the expounded legal position regarding statutory interpretations in a bail matter should not be utilized in proceedings either of co-accused or any other person or any other matter.

With the aforesaid clarification the interim directions dated 18.06.2021 are made the final directions in the matter.

On having noticed the aforesaid, we close the present proceedings.

The special leave petitions and the application for intervention are accordingly disposed of.

We make it clear that thus we have not gone into the legal position regarding statutory interpretation one way or the other.

Pending application stands disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)