

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 22872/2023

(Arising out of impugned final judgment and order dated 20-04-2023 in CRM No. 38725/2018 passed by the High Court of Judicature at Patna)

MANISH KUMAR

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.157545/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.157551/2023-EXEMPTION FROM FILING O.T. and IA No.157553/2023-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.157543/2023-PERMISSION TO FILE SLP WITHOUT CERTIFIED/PLAIN COPY OF IMPUGNED ORDER)

Date : 01-09-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Rakesh Kumar Singh, AOR
Mr. Ashok Anand, Adv.
Mr. Rajnish Kumar Singh, Adv.
Mr. Somanatha Padhan, Adv.
Mr. Bipin Bihari Singh, Adv.
Mr. Rajan Kumar Singh, Adv.
Mr. Rajeev Ranjan, Adv.

For Respondent(s)

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

Delay condoned.

Permission to file special leave petition without certified/plain copy of impugned order is granted.

Learned counsel for the petitioner submits that he may be granted some time to surrender and seek regular bail. The petitioner hereby is granted four weeks time for the purpose

and then apply for regular bail which shall be considered in accordance with law.

This Court deems it necessary to notice a serious irregularity in the proceedings. The impugned order dated 20.4.2023 was not made available, to the party aggrieved. The petitioner had asserted that a copy of the order was not uploaded on the website and in support of that contention, filed a copy of the screen shot which indicated that the case was listed for admission on 19.04.2023 and was listed the next day. The status of the case was shown to have been "disposed of" on 20.04.2023. Yet copy of the order was not made available.

This Court had by order dated 25.08.2022 required the Registrar of the High Court to provide information with respect to the case and the status of the order. The Registrar, Patna High Court reported to this Court by his letter dated 30.08.2023. The relevant part of the letter is extracted below which reads as follows:

*"Sub: Regarding filing of a report in SLP(CRL) Diary No. 22872 of 2023 (arising out of Cr. Misc. 38725 of 2018)
Ref: Hon'ble Supreme Court's letter no.- D.No. 22872/2023/SEC-II-A dated 25.08.2023*

Sir,

In compliance with order of the Hon'ble Supreme Court of India passed in SLP(CRL) Diary No. 22872 of 2023 dated 25-08-2023 (arising out of Criminal Miscellaneous no. 38725 of 2018), it is

humbly submitted that the said case was specially assigned to Hon'ble Mr. Justice Sandeep Kumar on 18.04.2023 and the said matter was disposed off on 20.04.2023. However, the order was pronounced on 28.08.2023. The matter, as reported, has never been assigned on any date after 20.04.2023.

I, therefore request you to place this report before Hon'ble Bench.

*Enclosure : Report of Joint Registrar (List)
dated 29-08-2023 with computer
status of case details.*

Yours faithfully"

During the submissions made today, learned counsel for the petitioner produced a copy of the order. The order is dated 20.04.2023 and the relevant part of the order reads as follows:

"20-04-2023

Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Due to non-availability of file, the order could not be typed in time."

The above facts disclose the matter of serious concerns which requires to be looked into. We, therefore, request Hon'ble the Chief Justice of the Patna High Court to call for the relevant files, look into the issue and take whatever steps necessary in this regard.

A copy of this order is directed to be transmitted to the Registrar, Patna High Court who shall forthwith place it before Hon'ble the Chief Justice of Patna High Court along with relevant papers/files.

The petition is disposed of in the above terms.

All pending applications are disposed of.

(NEETA SAPRA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)