

ITEM NO.12 COURT NO.4 SECTION II-B
 (For Orders) 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 (Cr1.) No(s). 9445/2022

(Arising out of impugned final judgment and order dated 24-08-2022 in CRLMA No. 1/2022 passed by the High Court Of Gujarat At Ahmedabad)

SANJIVKUMAR RAJENDRABHAI BHATT Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR. Respondent(s)

([FOR ORDER(S) ON RECUSAL].[HEARD BY : HON'BLE M.R. SHAH and HON'BLE C.T. RAVIKUMAR, JJ.])

Date : 10-05-2023 This petition was called on for Orders/hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
 HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.
 Mr. Aljo K. Joseph, AOR

For Respondent(s) Mr. Maninder Singh, Sr. Adv.
 Mr. Rajat Nair, Adv.
 Ms. Swati Ghildiyal, AOR
 Ms. Devyani Bhatt, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.
 Mr. R. C. Kohli, AOR
 Ms. Ruchi Kohli, Adv.
 Ms. Srishti Mishra, Adv.
 Ms. Deepti Arya, Adv.
 Mr. S.S. Rebello, Adv.
 Ms.Arzu Paul, Adv.

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

Hon'ble Mr. Justice M.R. Shah pronounced the non-reportable Order of the Bench on the prayer for recusal comprising His Lordship and Hon'ble Mr. Justice C.T. Ravikumar.

The prayer for recusal is rejected in terms of the signed non-reportable Order, which is placed on the file.

We have heard Mr. Devadatt Kamat, learned Senior Advocate, appearing for the petitioner, Mr. Maninder Singh, learned Senior Advocate, appearing for Respondent No.1-State of Gujarat and Mr. A.N.S. Nadkarni, learned Senior Advocate, appearing for Respondent No.2-Complainant at length.

Mr. Devadatt Kamat, learned Senior Advocate, appearing on behalf of the petitioner has taken us through the deposition of 3 witnesses (doctors) examined as PW-20, PW-23 & PW-24. However, it is required to be noted that, as such, the deposition of the said witnesses were as such considered by the trial Court after all those 3 witnesses were thoroughly cross-examined and now the deposition of the aforesaid 3 witnesses is to be considered and/or re-appreciated by the High Court at the time of deciding the Appeal.

Having gone through the impugned order passed by the High Court, we see no reason to interfere with the same in exercise of powers under Article 136 of the Constitution of India.

Any observations by this Court on the deposition of the aforesaid 3 witnesses may ultimately affect the case of either parties in the Appeal, which is yet to be considered by the High Court. Therefore, the Special Leave Petition stands dismissed.

However, it is observed that the High Court to finally decide and dispose of the Appeal strictly in accordance with law and on merits and on re-appreciation of the entire evidence on record

which were considered by the trial Court and without in any way influenced by any of the observations made by the High Court in the impugned order so far as the cause of death is concerned and any observations made by the High Court in the impugned order shall be confined to deciding the application under Section 391 Cr.P.C. Only.

With this, the present Special Leave Petition stands dismissed/disposed of.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR