

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 2578 OF 2023

IN

SLP (CRIMINAL) DIARY NO. 43646 OF 2023

RAJANTI DEVI @ RAJANTI KUMARI

Petitioner(s)/
Applicant(s)

VERSUS

THE UNION OF INDIA

Respondent(s)

O R D E R

1. The Miscellaneous Application has come up for consideration on the compliance report submitted by the Registry alongwith its office report.
2. On 28.11.2023, this Court had passed the following order:

“After arguing for sometime and on expressing our reservation in entertaining the petition, learned counsel appearing for the petitioner seeks permission to withdraw the present petition.

Permission as sought for is granted.

The Special Leave Petition is dismissed as withdrawn.

However, during the course of hearing, it has been brought to our notice by the learned counsel for the petitioner that the High Court (Coram: Hon’ble Mr. Justice Sandeep Kumar) had heard the matter and reserved the same for orders on 07.04.2022 and had released the matter as per the order dated 04.04.2023 i.e. almost after one year. We are extremely surprised as to how the order on the petition seeking anticipatory bail could be kept pending for one year.

The Registrar General of the High Court of Judicature at Patna may get the details of the matter and submit the report before 08.01.2024.

List the matter before this Bench on 08.01.2024 for compliance only.”

3. Pursuant to the said order, the Registrar General, Patna High Court has submitted the report, which has been perused by us.
4. As transpiring from the said Report, the matter with regard to the anticipatory bail was heard and reserved for the judgment by the concerned Judge vide order dated 07.04.2022, and subsequently, the same was released by him as per the Order dated 04.04.2023, i.e., almost after one year.
5. Though, we are very much alive about the magnitude of the bail applications being filed and heard by the Courts at all levels, we cannot be oblivious to the delay which takes place in the disposal of the Bail applications. This Court, time and again, has expressed great concern about the delay taking place in the disposal of the bail applications and has issued guidelines from time to time.
6. In *R.C. Sharma Vs. Union of India*, (1976) 3 SCC 574, this Court had issued directions for the expeditious delivery of judgments, which has been reiterated in *Anil Rai Vs. State of Bihar*, (2001) 7 SCC 313. The guidelines in Anil Rai's case reads as under: -

“(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case

where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open

to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.”

7. In a recent decision in the case of *Satendra Kumar Antil Vs. Central Bureau of Investigation and Anr.*, (2022) 10 SCC 51, this Court has directed to dispose of the bail applications in two weeks. The said direction read as under: -

“100.11. Bail applications ought to be disposed of within a period of two weeks except if the provisions mandate otherwise, with the exception being an intervening application. Applications for anticipatory bail are expected to be disposed of within a period of six weeks with the exception of any intervening application.”

8. Despite the aforestated guidelines/directions having been issued by this Court from time to time, it appears that the cases like the present one, keep on happening and the bail applications are not being heard expeditiously and if heard, are not being decided within the stipulated time period.

9. In view of the above, it is directed that all the courts shall scrupulously follow the directions/ guidelines issued by this Court in the aforestated decisions.

10. We leave it to the High Courts to evolve a system/mechanism to check and verify at the end of each month, the pendency of cases reserved for judgments and orders in each Court.

11. Subject to the said directions, the present proceedings are closed.

12. The Miscellaneous Application is accordingly disposed of.
13. Pending applications, if any, also stand disposed of.
14. The Registry is directed to send a copy of this order to all the High Courts.

.....J
(BELA M. TRIVEDI)

.....J
(SATISH CHANDRA SHARMA)

NEW DELHI;
17TH JANUARY, 2024.

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 SMiscellaneous Application No.2578/2023

(Arising out of impugned final judgment and order dated 28-11-2023 in D No.43646/2023 passed by the Supreme Court of India)

RAJANTI DEVI @ RAJANTI KUMARI

Petitioner(s)

VERSUS

THE UNION OF INDIA

Respondent(s)

([FOR COMPLIANCE])

Date : 17-01-2024 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) By Courts Motion

For Respondent(s) Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Mr. Harshit Goel, Adv.
Mr. Sujay Jain, Adv.
Mr. K.V. Vibhu Prasad, Adv.

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

1. In terms of the signed order, the Miscellaneous Application is disposed of.
2. Pending applications, if any, also stand disposed of.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)

(signed order is placed on the file)