

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). 2023/2023

(Arising out of impugned final judgment and order dated 06-01-2023 in CRLRA No. 301/2021 passed by the High Court of Gujarat at Ahmedabad)

SANJIV KUMAR RAJENDRABHAI BHATT

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(IA No.30520/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 30520/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s)

Mr. Devadatt Kamat, Sr. Adv.
Mr. Aljo K. Joseph, AOR

For Respondent(s)

Mr. Atmaram Nadkarni, Sr. Adv.
Mr. Mayank Pandey, AOR
Mr. Ashish Kumar Pandey, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Rajat Nair, Adv.
Ms. Swati Ghildiyal, Adv.
Ms. Devyani Bhatt, Adv.

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

1. Vide order dated 04.10.2021, the High Court had initially fixed a time frame of nine months in concluding the trial. Thereafter, again by order dated 10.06.2022, the period was extended by six months. It appears that since the trial could not be completed within the said period, the learned Additional

- Sessions Judge vide letter dated 16.12.2022 requested for extension of six months for disposing of the case.
2. The learned Single Judge of the High Court vide order dated 06.01.2023 granted extension till 31.03.2023 i.e. almost by a period of three months.
 3. Shri Devadatt Kamat, learned senior counsel appearing on behalf of the petitioner, submits that a number of witnesses are not yet examined and direction as is issued would prevent the Trial Court to decide the matter in a judicious manner.
 4. Mr. Maninder Singh, learned senior counsel appearing on behalf of the State and Mr. A.N.S. Nadkarni, learned senior counsel appearing for the original complainant, submit that the petitioner has suppressed the fact that the order dated 04.10.2021, which had fixed the time schedule of nine months was challenged before this Court and the special leave petition challenging the same i.e. SLP (Crl) No.8615/2021 was dismissed by this Court vide, order dated 05.08.2022.
 5. The parties in a criminal trial should be more interested in expeditious disposal of the trial.
 6. When the learned Single Judge of the High Court has granted extension and that too on the second occasion, we do not find that there was any cause for the petitioner to have approached this Court by filing a special leave petition.
 7. Though, Shri Devadatt Kamat, submits that non-mentioning of the order passed in the Special Leave Petition (Crl) No.8615/2021 is not deliberate but inadvertent, it is difficult to believe that such an important omission was inadvertent and not deliberate.
 8. Though, it is submitted on behalf of the respondents that the petitioner has been indulging in delaying tactics and strictures have been passed against him on various occasions, we do not find it necessary to go into that aspect of the matter.
 9. The petitioner, rather than approaching this Court, ought to have cooperated with the Trial Court for expeditious disposal of the proceedings. The grant of extension of time is a matter between the Trial Court and the High Court.

10. We find this petition to be totally frivolous and without substance. The same is, accordingly, dismissed with costs quantified at Rs.10,000/- (Rupees Ten Thousand only), to be deposited with the Gujarat State Legal Services Authority, within a period of four weeks.

11. Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)