

2023 LiveLaw (SC) 94

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SANJAY KISHAN KAUL; J., MANOJ MISRA; J.
FEBRUARY 07, 2023

CRIMINAL APPEAL NO. 359 & 360 /2023 [@ SLP [CRL.] NO. 1912 & 3112 /2022]
CHANDMAL @ CHANDANMAL versus THE STATE OF MADHYA PRADESH & ANR.

Bail & Remand: Supreme Court expresses anguish at trial courts acting in violation of its judgments in [Siddharth vs. State of Uttar Pradesh LL 2021 SC 391](#) & [Satender Kumar Antil v. Central Bureau of Investigation & Anr. – 2022 LiveLaw \(SC\) 577](#) - We fail to understand why despite these judgments having been circulated, some of the trial Courts are conducting and passing the orders in the teeth of these judgments. It is a matter of concern that these cases thus, keep on coming up to the apex Court unnecessarily.

Virtual Hearing - We would normally expect that even in the District Courts, in the Covid period, arrangements would have been made for virtual hearing. It is not as if the virtual method of appearing before the Court has to be abandoned as this is an alternative method of appearance now which is to be followed by different Courts.

(Arising out of impugned final judgment and order dated 24-01-2022 in MCRC No. 63762/2021 passed by the High Court of M.P. at Indore)

For Petitioner(s) Mr. Divyakant Lahoti, AOR Ms. Vindhya Mehra, Adv. Mr. Parikshit Ahuja, Adv. Ms. Praveena Bisht, Adv. Ms. Madhur Jhavar, Adv. Mr. Kartik Lahoti, Adv. Ms. Garima Verma, Adv. Mr. Rahul Maheshwari, Adv.

For Respondent(s) Mr. Yashraj Singh Bundela, Adv. Mr. Pashupathi Nath Razdan, AOR Mr. Ankit Mishra, Adv. Ms. Ayushi Mittal, Adv.

ORDER

Leave granted.

The issue before us is whether on the charge sheet having been filed and during that period the appellants having cooperated but not having appeared before the Court personally but through a counsel, the action of the trial Court to issue non-bailable warrants is something which can be sustained.

Learned counsel for the appellants urged on 09.02.2022 as he urges today that the bail ought to have been granted as a matter of course in view of the judgment of this Court in ***Siddharth v. State of Uttar Pradesh & Anr. – (2022) 1 SCC 676***. We issued notice and granted interim protection.

Learned counsel for the State does not dispute that no further investigation is required in this matter.

We may note that even the mandate subsequently incorporated in ***Satender Kumar Antil v. Central Bureau of Investigation & Anr. – (2021) 10 SCC 773*** has been violated. We fail to understand why despite these judgments having been circulated, some of the trial Courts are conducting and passing the orders in the teeth of these judgments. It is a matter of concern that these cases thus, keep on coming up to the apex Court unnecessarily.

We are not also be able to appreciate the impugned order dated 24.01.2022 passed by the High Court calling upon the appellants, despite recognizing the fact that they are aged persons in their 70s and the alleged offences has a maximum punishment up to seven years, they have been called upon to surrender in the Court concerned.

We would normally expect that even in the District Courts, in the Covid period, arrangements would have been made for virtual hearing. It is not as if the virtual method of appearing before the Court has to be abandoned as this is an alternative method of appearance now which is to be followed by different Courts.

Thus, the appellants can always connect virtually for the proceedings looking to their age.

The impugned orders are set aside.

The appeals accordingly stand allowed leaving parties to bear their own costs.

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