

ITEM NO.3

COURT NO.7

SECTION II-C

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

Miscellaneous Application No. 418-426/2023 in SLP(Crl) No. 8084-8092/2013

(Arising out of impugned final judgment and order dated 11-07-2014 in SLP(Crl) No. No. 8084/2013 11-07-2014 in SLP(Crl) No. No. 8085/2013 11-07-2014 in SLP(Crl) No. No. 8086/2013 11-07-2014 in SLP(Crl) No. No. 8087/2013 11-07-2014 in SLP(Crl) No. No. 8088/2013 11-07-2014 in SLP(Crl) No. No. 8089/2013 11-07-2014 in SLP(Crl) No. No. 8090/2013 11-07-2014 in SLP(Crl) No. No. 8091/2013 11-07-2014 in SLP(Crl) No. No. 8092/2013 passed by the Supreme Court Of India)

ABDUL NAZIR MAUDANY

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

Date : 17-07-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. Radha Shyam Jena, AOR
Mr. Haris Beeran, Adv.
Mr. Usman P, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Azhar Assees, Adv.
Mr. Mohammed Shahrukh, Adv.
Mr. Salahudheen Ayoobi, Adv.
Ms. Aparajita Jamwal, Adv.
Ms. Rupali Samuel, Adv.

For Respondent(s) Mr. Nishanth Patil, A.A.G.
Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.
Mr. Ayush P Shah, Adv.

Mr. Ramesh Babu M. R., AOR

Mr. C.K. Sasi, Adv.
Ms. Meena K. Poullose, Adv.

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

Heard the learned senior counsel for the applicant as also the learned AAG for the respondent-State and perused the petition papers.

This Court, through its order dated 11.07.2014, has enlarged the applicant on bail subject to the conditions imposed therein. One among the conditions imposed therein is that the applicant shall not leave the jurisdiction of the Trial Court, and therefore, the applicant was required to stay in Bangalore. The instant application is filed seeking modification of the said condition praying that the applicant be permitted to travel to and stay in his hometown in Kerala until disposal of S.C. No. 1478/2010 to S.C.No. 1485/2010 pending before the 34th Additional City Civil Judge at Bangalore.

The learned AAG for the respondent-State has vehemently opposed the said prayer. However, we do not find that the applicant has violated any of the conditions imposed. Even an interim relaxation made by this Court on 17.04.2023 and permitting him to travel to Kerala has been exercised without giving room for complaint.

It is stated that the hometown of the applicant is at Kollam District in Kerala. In that light, we had requested the learned counsel for the respondent-State to secure instructions in the matter with regard to the manner in which the trial is proceeding.

At this stage, it is brought to our notice that the

examination of the witnesses has been completed and the matter is being argued before the Court concerned, but keeping in view the voluminous evidence and material available on record, the argument before the Court concerned would take sometime. In that view of the matter, keeping in view the fact that at present, the presence of the applicant would not be required on every hearing date, we deem it appropriate to grant the modification, as sought for. We have also kept in view the health related issues being faced by the applicant.

Hence, in modification of the Order dated 11.07.2014, we permit the applicant to travel to his hometown, Kollam District in Kerala and reside there. However, to ensure that the applicant is adhering to all other requirements/conditions imposed upon him, we direct that the applicant shall report to the Station House Officer of the nearest Police Station in Kollam District, Kerala once in fifteen days and if, any details are required, the jurisdictional Police in Bangalore is permitted to seek for such details from the Police Station in Kollam District, Kerala and keep a tab on the applicant. However, if the applicant is to attend to his medical needs outside Kollam, Kerala and owing to the same, has to be away from Kollam District, Kerala, temporarily, he shall report to the Kollam Police and Karnataka Police about his movement and go to such place as he desires for treatment. He shall however appear before the Trial Court when he is specifically directed to do so.

With the said modification and subject to the applicant adhering to all other conditions already imposed upon him, the applicant is permitted to travel to Kerala, but shall not go to any

other place.

The applications are accordingly disposed of.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR