

ITEM NO.5

COURT NO.9

SECTION II-B

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.31655/2025

[Arising out of impugned final judgment and order dated 20-05-2025 in BA1 No. 476/2025 and order dated 23-05-2025 in MCRC No. 1/2025 passed by the High Court of Uttarakhand at Nainital]

AMAN JOSHI

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

FOR ADMISSION and I.R.

IA No. 160242/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 160244/2025 - EXEMPTION FROM FILING O.T. & IA No. 160241/2025 - PERMISSION TO FILE SPECIAL LEAVE PETITIONS)

Date : 17-07-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. J Sai Deepak, Sr. Adv.
Mr. Surya Kant Vyas, Adv.
Mr. Anukirat Singh Baweja, Adv.
Mr. R. Abhishek, Adv.
Mr. Siddharth Praveen Acharya, AOR

For Respondent(s) :

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

1. Application seeking permission to file the Special Leave Petitions is granted.
2. Exemption Applications are allowed.
3. Heard Mr. J Sai Deepak, learned counsel appearing for the petitioner.
4. The petitioner before us is the brother of the deceased.
5. The petitioner lodged a First Information Report dated 11-11-2024 bearing No.409/2024 at the Raipur Police Station, District Dehradun, Uttarakhand for the offence of murder punishable

under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS, 2023").

6. The FIR came to be lodged in connection with the murder of his brother.

7. As per the FIR, one Dany Rawat named in the FIR specifically and six of his companions are alleged to have assaulted the deceased which ultimately led to his death.

8. The Respondent No.2 - herein was arrested in November, 2024 in connection with the alleged crime.

9. We are informed that the other co-accused are absconding. The learned counsel vehemently submitted that although the Respondent No.2 has not been named in the FIR, yet the CCTV footage collected by the Investigating Officer would clearly indicate that he was also one of the assailants along with the other co-accused.

10. According to the petitioner, the High Court committed a serious error in granting bail to the Respondent No.2.

11. Issue notice, returnable on 8-8-2025.

12. Dasti service, in addition, is permitted.

13. Liberty is granted to serve the Standing counsel for the State of Uttarakhand.

14. On the next date of hearing, the Investigating Officer shall personally remain present with his papers of his investigation and he should also get the recording of the CCTV footage along with him.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)