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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. OF 2021
(Arising out of SLP(Crl.)No. 2493 of 2021)

DR. ATUL KRISHNA **Appellant(s)**

VERSUS

THE STATE OF UTTARAKHAND & ORS. **Respondent(s)**

WITH

CRIMINAL APPEAL NOS. OF 2021
(Arising out of SLP(Crl.)Nos.6797-6798 of 2021)

O R D E R

Leave granted in both the Special Leave Petitions.

For the nature of order that we propose to pass, it is not necessary to dilate on the factual matrix of the case.

Suffice it to record that the private respondents (Manish Verma, Sanjeev Verma and Neetu Verma) were released on bail by the Trial Court and when the leading appeal (criminal appeal arising from SLP(Crl.) No.2493 of 2021) was taken up for consideration, it was noted that they were not appearing in the matter, despite service of notice.

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The private respondents have now appeared and pointed out that the notice was not served on them at all, but in compliance of the directions given by the Court, they have already surrendered and are presently in custody.

Taking overall view of the matter, we propose to pass the following order:

(i) The private respondents are enlarged on bail on terms and conditions which were imposed by the Trial Court. In addition, the private respondents shall extend full cooperation to the Trial Court for early disposal of the trial.

In case, the Trial Court is of the opinion that the private respondents are not cooperating in the progress of the trial or are taking unnecessary adjournments, it must record that opinion in the roznamcha and if that is a persistent approach of the private respondents, it will be open to the Trial Court to consider cancellation of bail in accordance with law.

(ii) We direct the Trial Court to ensure that the trial is concluded not later than six months from the date of receipt of copy of this order.

We are required to issue this direction as

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we have noticed that the Trial Court, despite having taken cognizance almost seven years back, has not moved in the matter even an inch thereafter, including to frame charges, as may be necessary, despite 78 adjournments in the case.

Accordingly, the Trial Court must proceed in the matter without any further delay.

(iii) We direct the Investigating Officer to ensure that the witnesses are made available on the scheduled dates for being examined by the Trial Court.

Needless to observe that the order of cancellation of bail of the private respondents will not come in their way and the trial must proceed on its own merits and in accordance with law.

All contentions available to the parties on the merits of the case are left open.

Copy of this order be forwarded to the concerned Trial Court forthwith through email for information and necessary action.

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The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....,J.
(A.M. KHANWILKAR)

.....,J.
(DINESH MAHESHWARI)

.....,J.
(C.T. RAVIKUMAR)

New Delhi
September 15, 2021

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ITEM NO.2+8 Court 3 (Video Conferencing) SECTION II-B

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). 2493/2021

(Arising out of impugned final judgment and order dated 23-12-2020 in WP No. 1899/2020 passed by the High Court Of Uttarakhand At Nainital)

DR. ATUL KRISHNA Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS. Respondent(s)

(IA No. 106069/2021 - RECALLING THE COURTS ORDER)

WITH

SLP(Crl.) No(s). 6797-6798/2021
(FOR ADMISSION and I.R. and IA No.112714/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.112716/2021-EXEMPTION FROM FILING O.T. and IA No.112718/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.112713/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-09-2021 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. Vivek Singh, AOR
Mr. K. K. Singh, Adv.

For Respondent(s) Ms. Namita Choudhary, AOR
Ms. Rachna Gandhi, Adv.
Ms. Srishti Choudhary Adv.

Mr. Vikas Singh, Sr. Adv.
Ms. Reetu Sharma, AOR
Mr. Nihal Ahmad, Adv.
Ms. Neena Shukla, Adv.
Mr. Amit Kumar, Adv.
Mr. Shantanu Shukla, Adv.
Ms. Anu Singla, Adv.

UPON hearing the counsel the Court made the following

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O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]