

CORRECTEDIN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPEAL NO. 359 /2023
[@ SLP [CRL.] NO. 1912/2022]

CHANDMAL @ CHANDANMAL Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR. Respondent(s)

WITH

CRIMINAL APPEAL NO. 360/2023
[@ SLP(Cr1) No.3112/2022]

O R D E R

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.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[MANOJ MISRA]

NEW DELHI;
FEBRUARY 07, 2023.

REVISIED
ITEM NO.8 COURT NO.2 SECTION II-A

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 1912/2022

(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)

CHANDMAL @ CHANDANMAL Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR. Respondent(s)
IA No. 34744/2022 - EXEMPTION FROM FILING O.T.
IA No. 34743/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)
WITH
SLP(Cr1) No. 3112/2022 (II-A)
(FOR ADMISSION and I.R.)

Date : 07-02-2023 These petitions were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE MANOJ MISRA

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.

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

Leave granted.

The appeals disposed of in terms of the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

[Corrected Signed order is placed on the file]

ITEM NO.8

COURT NO.2

SECTION II-A

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 1912/2022

(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)

CHANDMAL @ CHANDANMAL

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

IA No. 34744/2022 - EXEMPTION FROM FILING O.T.

IA No. 34743/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

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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.

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

Leave granted.

CRIMINAL APPEAL @ SLP [CRL.] NO.1912/2022] & connected matter

The appeals disposed of in terms of the signed order.

Pending applications stand disposed of.

**(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS**

**(POONAM VAID)
COURT MASTER (NSH)**

[Signed order is placed on the file]