

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION



CRIMINAL APPEAL NO(S).1843 OF 2024
(ARISING OUT OF S.L.P. (CRIMINAL) NO(S).16513/2023)

SACHIN KUMAR

APPELLANT(S)

VERSUS

STATE OF UTTARAKHAND

RESPONDENT(S)

O R D E R

Leave granted.

Pursuant to the order dated 20th March, 2024 passed by this Court, the Secretary of the Ministry of Law, State of Uttarakhand, is present in the Court.

The learned counsel appearing for the respondent-State submitted that there was no change of the panel of Advocates for the last 07 to 08 years, therefore, the change has taken place.

During the last few months, this Court has noticed that after the change of power from one political party to another, the States/Union Territories are changing their panel of Advocates appearing in this Court. Therefore, this Court is required to grant adjournments from time to time on the ground of change. It is true that the States/Union Territories have power to change their empanelled Advocates, but while doing so, they must ensure that the Court's functioning is not adversely affected. Therefore, it will be appropriate if the States/Union Territories while changing the panel of Advocates continue the old panel for at least 06 weeks so that the Courts are not

forced to grant adjournments. We direct the Registry to circulate a copy of this order to the Standing Counsel representing all the States/Union Territories.

We have perused the counter affidavit and heard the learned counsel appearing for the parties.

The offences alleged against the appellant are punishable under Sections 420, 409 and 120B of the Indian Penal Code, 1860 read with Sections 3, 4, 6, 9 and 10 of the Uttar Pradesh Public Examination (Prevention of Unfair Means) Act, 1988. The maximum sentence is of 10 years. At least 04 co-accused have been granted bail.

The counter affidavit discloses that charge-sheet has been filed and charge has been framed. 19 prosecution witnesses have been cited. The offences are triable by the Court of the learned Judicial Magistrate. The appellant has undergone incarceration for a period of more than one and a half years. No antecedents of the appellant have been brought on record. Therefore, in our view, the appellant deserves to be enlarged on bail, pending the final disposal of the case.

For that purpose, we direct that the appellant shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions till the final disposal of the case. Needless to add that, if the appellant misuses the liberty granted to him under the order of bail, it will always be open for the respondent-State to apply for cancellation of

bail.

The Appeal is allowed on the above terms.

.....**J.**
(ABHAY S.OKA)

.....**J.**
(UJJAL BHUYAN)

NEW DELHI;
APRIL 01, 2024.

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). 16513/2023

(Arising out of impugned final judgment and order dated 10-11-2023 in SBA No. 150/2023 passed by the High Court of Uttarakhand at Nainital)

SACHIN KUMAR

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND

Respondent(s)

Date : 01-04-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Aadil Singh Boparai, Adv.
Mr. Sumer Singh Boparai, Adv.
Mr. Gurlabh Singh Bhaika Sidhu, Adv.
Ms. Srishti Khanna, Adv.
Mr. Vaibhav Dabbas, Adv.
Mr. Sidhant Saraswat, Adv.
Mr. Sachin Kumar, Adv.
Mr. Amarjeet Singh, AOR

For Respondent(s) Mr. Sanjeev Uniyal, A.A.G.
Ms. Namita Choudhary, AOR
Ms. Srishti Choudhary, Adv.

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

Leave granted.

The Appeal is allowed in terms of the signed order. The operative portion of the order reads thus:

"...The appellant has undergone incarceration for a period of more than one and a half years. No antecedents of the appellant have been brought on record. Therefore, in our view, the appellant deserves to be enlarge on bail, pending the final disposal of the case.

For that purpose, we direct that the appellant

shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellant on bail on appropriate terms and conditions till the final disposal of the case. Needless to add that, if the appellant misuses the liberty granted to him under the order of bail, it will always be open for the respondent-State to apply for cancellation of bail.

The Appeal is allowed on the above terms."

Pending application(s), if any, shall stand disposed of accordingly.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]