CRIMINAL APPEAL Diary No(s). 13604/2024

ITEM NO.36   COURT NO.7   SECTION II-A

                S U P R E M E   C O U R T   O F   I N D I A
                       RECORD OF PROCEEDINGS

           CRIMINAL APPEAL Diary No(s). 13604/2024

(Arising out of impugned final judgment and order dated 19-03-2024 in
CRLA No. 854/2013 19-03-2024 in CRLA No. 350/2015 passed by the High
Court Of Judicature At Bombay)

PRADEEP RAMESHWAR SHARMA   Petitioner(s)

                              VERSUS
THE STATE OF MAHARASHTRA   Respondent(s)

(IA No.78336/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and
IA No.78335/2024-EXEMPTION FROM FILING O.T. and IA No.78333/2024-
EXEMPTION FROM SURRENDERING WITHIN TIME and IA No.78334/2024-SUSPENSION
OF SENTENCE)

Date : 08-04-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
         HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
                   Mr. Sidharth Luthra, Sr. Adv.
                   Mr. Subash Jadhav, Adv.
                   Mr. Kumar Vaibhaw, Adv.
                   Mr. Nikhil Rohatgi, Adv.
                   Mr. Chandan Singh Sekhawat, Adv.
                   Mr. Dilip Kumar Rawat, Adv.
                   Mr. Samarth Luthra, Adv.
                   Mr. Mohd Ashaab, Adv.
                   Mr. Dhananjay Yadav, Adv.
                   Ms. Devina Sehgal, AOR

For Respondent(s) Mr. Yug Mohit Chaudhry, Adv.
                   Ms. Payoshi Roy, Adv.
                   Mr. Siddhartha Sharma, Adv.
                   Mr. N. Sai Vinod, AOR
                   Mr. Diwakar Singh, Adv.
                   Mr. Rudreshwar Singh, Adv.
                   Mr. Kaushik Poddar, Adv.

                   Mr. Siddharth Dharmadhikari, Adv.
                   Mr. Aaditya A. Pande, AOR
                   Mr. Bharat Bagla, Adv.
                   Mr. Sourav Singh, Adv.
                   Mr. Aditya Krishna, Adv.
                   Ms. Preet S. Phanse, Adv.
                   Mr. Adharsh Dubey, Adv.

          UPON hearing the counsel the Court made the following

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O R D E R

Heard Mr. Mukul Rohatgi, the learned Senior Counsel appearing for the appellant. Also heard Mr. Yug Mohit Chaudhry, the learned counsel appearing for the respondent - State.

2. It is a case of reversal of acquittal by the High Court and the appeals are filed under Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970. The statutory appeals are admitted.

3. The senior counsel would point out that the appellant was a Police Officer at the relevant time and was arrayed as accused No.1 in the case arising out of FIR No.246/2009 registered at the Varsova Police Station. The alleged incident occurred on 11.11.2006 resulting in the death of one, Ramnarayan Gupta. The senior counsel would submit that the appellant was not immediately arrested but came to be arrested much later on 07.01.2010. He faced trial and the learned Trial Court by its order dated 12.07.2013 held that the conviction of the appellant is not warranted and accordingly acquittal order was passed in his favour.

4. However on appeal, the learned Division Bench of the High Court by an equally detailed order has reversed the acquittal judgment and ordered for conviction of the appellant.

5. The primary contention of the senior counsel is that the presence of the appellant at the place of occurrence was not attributed by any of the witnesses. But he was roped in since the empty and the bullet killing the deceased, is attributed to the service revolver of the appellant.

6. The learned counsel for the respondent No.2 in his turn would submit that the appellant was heading a Police team against which serious allegation were made and although the Trial Court had acquitted the appellant, the High Court under the impugned judgment dated 19.03.2024

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has rightly reversed the acquittal order and convicted the appellant. The counsel points out that the charge against the appellant is of formation of an illegal squad, abduction and also wrongful confinement and the eventual killing. Therefore the bail for the appellant should not be lightly considered.

7. Issue notice on the bail prayer, returnable in four weeks. As the High Court has stipulated three weeks' time to surrender, the appellant need not surrender in terms of the said direction until the next date. Accordingly Application (IA No.78333/2024) for exemption from surrendering is allowed.

8. Additional documents are permitted to be filed.

(DEEPAK JOSHI)   **(KAMLESH RAWAT)**
COURT MASTER (SH)   **ASSISTANT REGISTRAR**