

Tabbasum Khatoon vs The State Of Jharkhand on 20 January, 2020

Bench: Navin Sinha, Krishna Murari

ITEM NO.36

COURT NO.14

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

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.)NO.9361 OF 2019

(Arising out of final Judgment and Order dated 26.07.2019 passed by the High Court of Jharkhand at Ranchi in B.A. No. 1749 of 2019)

TABBASUM KHATOON

Appellant(s)

VERSUS

THE STATE OF JHARKHAND & ANR.

Respondent(s)

(FOR ADMISSION and I.R.
IA No. 150272/2019 - EXEMPTION FROM FILING O.T.)

Date : 20-01-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE KRISHNA MURARI

For Appellant(s)

Mr. Anirban Bhattacharya, AOR

For Respondent(s)

Mr. Tapesh Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.

Mr. Shashi Bhushan Kumar, AOR

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

Leave granted.

The appeal stands allowed in terms of signed order. Pending application(s), if any, shall stand disposed of.

(RAJNI MUKHI) (DIPTI KHURANA) SENIOR PERSONAL ASSISTANT COURT MASTER (NSH)

17:38:45 IST (Signed order is placed on the file) IN THE SUPREME COURT OF INDIA CRIMINAL APPELLATE JURISDICTION CRIMINAL APPEAL NO. 130 OF 2020 (Arising out of SLP (Crl.) No. 9361/2019) Tabbasum Khatoon ...Appellant Versus The State of Jharkhand & Anr.Respondents
O R D E R Leave granted.

The appellant who is the prosecutrix aged approximately 16 years old lodged a complaint on 16.12.2016 leading to submission of charge sheet under Sections 376, 114, 342 and 120B and Sections 4 and 8 of POCSO Act. The co-accused are already in custody. Charges have already been framed on 08.03.2019.

The appellant assails the order granting provisional bail to respondent No. 2 on 15.05.2019 as confirmed on 26.07.2019.

We have heard learned counsel for the appellant, the State and for the private respondent.

Learned counsel for the private respondent sought to persuade us that there is variation between the original statement of the prosecutrix and her statement under section 164 Cr.P.C. Even according to the latter submission, we are satisfied that the allegations against the appellant are very serious.

...2/-

- 2- Considering the seriousness of the allegations, no reason has been given by the High Court why it was satisfied to grant provisional bail. Likewise no reasons have again been assigned while confirming the provisional bail. Moreover the matter should have been heard by the same bench which had granted provisional bail. We refrain from any further observation so as not to cause any prejudice to appellant during the trial. There are approximately eight witnesses. Charge sheet has already been submitted. The order of bail dated 26.07.2019 is set aside. The private respondent shall surrender within 48 hours. We further direct that the trial be expedited on day-to-day basis so that it is concluded within a maximum period of six months and compliance report be filed.

The appeal stands allowed.

.....J [NAVIN SINHA]J. [KRISHNA MURARI] NEW
DELHI;

JANUARY 20, 2020