

Amanpreet Singh vs Republic Of India (Cbi) on 28 July, 2021

Bench: Sanjay Kishan Kaul, Hrishikesh Roy

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ITEM NO.12

Court 7 (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). 5234/2021

(Arising out of impugned final judgment and order dated 09-07-2021
in BLAPL No. 4589/2021 passed by the High Court Of Orissa At
Cuttack)

AMANPREET SINGH

Petitioner(s)

VERSUS

REPUBLIC OF INDIA (CBI)

Respondent(s)

(FOR ADMISSION and I.R. and IA No.84366/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.84920/2021-PERMISSION TO
FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. Maninder Singh, Sr. Adv.
Mr. Ajay Khanna, Adv.
Mr. Archit Upadhyay, AOR

For Respondent(s)

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

Applications for exemption from filing c/c of the impugned judgment and permission to file additional documents/facts/annexures are allowed. We find that the impleadment of the respondent is as Republic of India (CBI). We don't think this Date: 2021.07.28 would be appropriate impleadment of the party and the CBI should be impleaded specifically by its name as the respondent.

Amended memo of parties be filed within three days.

Learned counsel for the petitioner at the inception draws our attention to the additional documents at page 223 to refer to the Government of Odisha order dated 30.05.2021 stipulating a lockdown aimed at restricting movement of people. He has further referred to the office order of the High Court of Orissa at Cuttack dated 04.06.2021 at page 240 which provides for only officers and staff to enter into the High Court campus and his instructions are that this is equally applicable to the trial Courts. This order of 04.06.2021 is stated to have been extended from time to time, the last such extension being dated 01.07.2021.

In the conspectus of the aforesaid, learned counsel has drawn our attention to the order passed by us earlier in the case of the petitioner in Criminal Appeal No.468/2021 [Amanpreet Singh v. Republic of India] dated 06.05.2021 at page 279 (vol. II) where we have taken note of the fact that the prosecution did not seek interrogation of the petitioner on or before the filing of charge sheet, the charge sheet having been filed and therefore, the petitioner confines to the relief to appear before the trial Court and apply for regular bail and not be arrested in the interregnum period. We accordingly granted protection for a period of eight weeks by order dated 06.05.2021.

Learned senior counsel submits that thereafter in the proceedings before the Special CJM, CBI, Bhubneshwar, the petitioner sought to enter appearance virtually and not physically but the same was rejected by the order dated 09.06.2021 (Page 281-283). This order has been upheld by the High Court vide the impugned judgment dated 09.07.2021. Issue notice returnable on 18.08.2021. Dasti in addition through standing counsel. In the meantime, the petitioner be not arrested but shall continue to attend the trial Court proceedings virtually in the current scenario and as and when the physical Courts start working, the proceedings shall be attended physically. A copy of the order to accompany notice.

[ASHA SUNDRIYAL]
ASTT. REGISTRAR-cum-PS

[BEENA JOLLY]
COURT MASTER (NSH)