

Punith Vs. State By

Punith Vs. State By

SooperKanoon Citation : sooperkanoon.com/1234603

Court : Karnataka

Decided On : May-24-2023

Judge : M.Nagaprasanna

Appeal No. : CRL.P 7585/2021

Appellant : Punith

Respondent : State By

Judgement :

- 1 - CRL.P No.7585 of 2021 IN THE HIGH COURT OF KARNATAKA AT BENGALURU R DATED THIS THE24H DAY OF MAY, 2023 BEFORE THE HON'BLE MR JUSTICE M.NAGAPRASANNA CRIMINAL PETITION No.7585 OF 2021 BETWEEN:

1. PUNITH S/O RANGASWAMY, AGED ABOUT26YEARS, NO.7, MARUTHI NAGAR, 4TH MAIN, 6TH CROSS, IN FRONT OF SLV BAKERY, CHANDRA LAYOUT, BANGALORE - 560 072.

2. SACHITHA S/O CHANDRE GOWDA, AGED ABOUT46YEARS.

3. PRABHA W/O SACHITHA, AGED ABOUT36YEARS. BOTH PETITIONER NO.2 AND3ARE R/OF NO.32, 3RD CROSS CHIKKALASANDRA, GUMMAIAH LAYOUT, NEAR CHOWDESHWARI LAYOUT, BANGALORE - 560 061.

4. SMT. PRAMEELA W/O RANGASWAMY, AGED ABOUT 44 YEARS, NO.7, MARUTHI NAGAR, 4TH MAIN, 6TH CROSS, IN FRONT OF SLV BAKERY, CHANDRA LAYOUT, BANGALORE - 560 072. PETITIONERS (BY SRI ARUN G, ADV.) - 2 - CRL.P No.7585 of 2021 AND:

1. STATE BY K.R. PETE TOWN POLICE, MANDYA (REPRESENTED BY STATE SPECIAL PUBLIC PROSECUTOR, HIGH COURT COMPLEX) 2. RAGHAVENDRA S/O BORE GOWDA AGED ABOUT 34 YEARS RESIDING AT NO.159 NEAR SHIVA TEMPLE AGALAYA VILLAGE AND POST SANTHEBACHAHALLI HOBLI K.R.PETE TALUK MANDYA DISTRICT - 571 436. RESPONDENTS (BY SRI MAHESH SHETTY, HCGP FOR R-1) THIS CRL.P IS FILED U/S.482 CR.P.C PRAYING TO QUASH THE ENTIRE CASE AND PROCEEDINGS IN C.C.NO.128/2020 (ARISING OUT OF CR.NO.193/2019) FOR THE ALLEGED OFFENCES U/S448,504,324,323,506 R/W34 OF IPC AND OF RESPONDENT K.R PETE TOWN POLICE WHICH IS ON THE FILE OF THE HON'BLE CIVIL JUDGE AND JMFC, K.R PETE, MANDYA BY ALLOWING THE ABOVE MEMORANDUM OF CRL.P FILED U/S482 OF CODE OF CRIMINAL PROCEDURE, 1973. THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner is before this Court calling in question the proceedings in C.C.No.128/2020 registered for the offences punishable under Sections 448, 504, 324, 323, 506 read with 34 IPC.-. 3 - CRL.P No.7585 of 2021 2. Sans unnecessary details facts projected by the prosecution are as follows: On 11-09-2019 at about 5.00 p.m. the 2nd respondent/complainant registers a complaint before the jurisdictional police which becomes a crime in Crime No.193 of 2019. The allegation in the complaint against the petitioners is that the petitioners have barged into the house of the complainant, assaulted him with weapons and caused injury. The complaint explains that after the said assault the complainant along with the objects used for such assault was taken to the jurisdictional police and the complaint came to be registered against the petitioners. The police, after investigation, file a charge sheet against the petitioners for the very same offences that were alleged at the time of registration of the crime. The petitioners are

arrayed as accused. It is the filing of the charge sheet that drives the petitioners to this Court in the subject petition.

3. Heard the learned Counsel Sri G.Arun appearing for the petitioners and the learned High Court Government Pleader appearing for respondent no.1.-. 4 - CRL.P No.7585 of 2021 4. The learned counsel appearing for petitioners submits that the complainant has a transaction with the petitioners. The complainant is alleged to have received money from the petitioners for the purpose of getting one of the members of the family of the petitioners a job in any of the department of Government. On such assurance, Rs.10 lakhs was paid by the petitioners to the complainant. The petitioners repeatedly sought refund of the money. The complainant turned out to be a cheat and had lured the petitioners in parting with Rs.10 lakhs and did not secure a job as was promised. As such, the petitioners seek to register a complaint before the jurisdictional police, upon which, the complainant appears before the police and undertakes to refund the money and also hands over certain cheques. Therefore, the matter is purely civil in nature and what is alleged by the complainant of assault has never taken place. Therefore, he seeks quashment of the proceedings.

5. On the other hand, the learned High Court Government Pleader would refute the submission of the petitioners to contend that the alleged offences are serious and would necessarily require a trial, as the incident has taken place and - 5 - CRL.P No.7585 of 2021 the complainant is injured by the act of the petitioners. He would submit that the material objects of assault and the wound certificate would clearly depict the act of assault by the petitioners upon the complainant. He would submit that it is for the petitioners to come out clean in the trial.

6. The learned counsel for the petitioners would join issue and contend that the material objects are the ones that are given by the complainant. Wound Certificate is also false, as it can be secured by any complainant to register a complaint. He would submit that the complainant only to wreck vengeance for demanding refund of money has resorted to the registration of crime.

7. I have given my anxious consideration to the respective submissions made by the learned counsel and have perused the material on record.

8. The afore-narrated facts are not in dispute. The transaction between the complainant and the petitioners are a matter of record. The reason for receipt of money from the hands of the petitioners by the complainant is what the learned - 6 - CRL.P No.7585 of 2021 counsel for the petitioners has submitted. Things being thus and the transaction between the petitioners being as narrated hereinabove, when the refund did not come about, the petitioners approached the jurisdictional police. The police in the wake of conduct of a preliminary enquiry summon the complainant. The complainant comes before the jurisdictional police and undertakes to refund the amount, also issues certain cheques by addressing a communication to the Station House Officer of Chandra Layout police station. The communication reads as follows: AP:

30. 7/2019 AUg U, ouPj ZAZOm, AUg EAz, gWAZ gUq Ai 30 A.20, 5 Rg, 6 Cqg, igw Ug, ZAZOm, AUg-1 9535359296, 953595296 9845681891, ig, Ai: gz gg P l z j g:- F Aq z z, ig g UAz Az, qAU P iqwz, gz w gg PI z g NP Aq wzP Aq. CjU 6 P gU t PqPVv Czg, 3,30,000/- gUU - 7 - CRL.P No.7585 of 2021 ZP Pngv. Q270,000/- gUU ZP Pqv. U wAUU 100.000/- gUAv w wAU AwgVv. CzgAv Q tP CAZg 2,70,000/- UU ZP qv. U PqPz 6 P t 6 wAU MUV t Pqv JAZ M gz Eg EzP MPArgv. F Az Png ZPU Azg Q PqPz ZPU Pqv. /- /- gW @ gWAZ

(Emphasis added)

9. After about two months of the said undertaking/communication by the complainant, the alleged incident is said to have taken place on 11.09.2019. The complainant on being assaulted rushes to the police station seeking to register a complaint against the petitioners of such assault. Since the entire issue now springs from the complaint, the complaint is extracted for the purpose of quick reference: gjU, DgPP GjPPg, P.Dg m m ou, P.Dg m. EAz, gWAZ gUq CWAi U, AvZ , P.Dg m vP +9535959296. ig, - 8 - CRL.P No.7585 of 2021 F P PgzAzg, AU j ZAZ Om Aiiz v gAUgjU t P qPVz, zj tP CjU ZP rz, VgU F AP:

11. 09-19 gAz U 06-00 UAmAi , Aqw Eg Cv Pgg AizU, AU j ZAZ Om Uz v gAU, v aP gav, gav Aqw s, vgg v gg KPKQ Cv U CwP ir dU vUz, U AzAv U zq Pqz E CwAii JAZ zg. , Aqw Eg KP U Aiwj JAZ PzP, Jg Az gUq JzPAq Az v PUAz v, Jz, , PP qz Al irzg, v ZQAZ JqU vg g qz Al irz, gav zuAz JqUt qz Al irz, PVPAqU j sg

gUq, P PAUq, Cv P P A gPiggg Az CjAz rPAqg, qAi HAIvz zu, ZP C r Jg CAz UU
U AUjU t vUAivAz U t zjP Q CAz gl zg. P.Dg m Pj DvU V aQv qzPAq, DZjAz tP
ZgV dU vUz, irg Aq DU P jw P dgVPAz Pgv. AP:

11. 09-19 : P.Dg m. v ,

(Emphasis added)

10. The narration in the complaint is that on 11-09-2019 at about 6.00 a.m. the petitioners barge into the house of the complainant and assault him using a knife and a wooden club. Those objects that were used for such assault is collected by the Station House Officer and a crime is registered in Crime No.193/2019 for the offences punishable under Section 448, 504, 324, 323, 506, 34 of the IPC. The police after - 9 - CRL.P No.7585 of 2021 investigation file a charge sheet. The summary of the charge sheet reads as under: 17. P AQ gA SEC448 504, 324, 323, 506 R/W34I.P.C AP:- 11-09-19 gAz U 6-00 UAmAi, P.Dg m m ou g, CWAi Uz Q 08 gg z Ai Q 01, 02, 03, gg EzU, F zgt vz PA Ag 12g z irg DgvgU tP ZgV Q 01 gg zIPAq, KPKQ Q 08 gg U CwP ir, DgvgUg Q 01 gg dU vUz, U zq Pqz E CwAii, JAz CZ UAz gvg. Q 01, 02 gg KP U Aiwj KAz Dgvg PzP, J DgvgU Q 01 gg Az gUq JzPAq Az, v PUAz Q 01 gg v, Jz, , PP qz Al irz, Dg 01 gg ZQAz Q 01 gg JqU vg g qz Al irz, Dg 02 gg zuAz Q 01 gg JqUt qz Al irgv, DgvgU Q 01 gg ir Ai gz UAIUAI irgz U CgvgU U AUjU t vUAivAz Q 01 gjU t zjPAi Qgz F P vSAz v PzsgUAz Dg DgvgU zsqngv.

(Emphasis added)

11. The summary of the charge sheet is in tune with what was the narration in the complaint. The complainant, on such assault, seeks treatment at the Government Hospital on 11-09-2019. The Doctor issues a wound certificate of such treatment. The Wound Certificate reads as follows:

"The injured person was first seen by the undersigned at G.H., K.R.Pet on the 11/09/19 and the - 10 - CRL.P No.7585 of 2021 examination was commenced at 7.41 a.m. on the 11/09/19 when the following injuries were found.

1. Contusion of 3 x 2 cms over left side of forehead just above lateral end of left eye brow.

2. Small cut wound of 1 mm x 3 mm x 2 mm over tip of left index finger.

3. Blunt injury to middle of upper back. time of injury - fresh injury. I am of the opinion that the above 3 injuries 1 to 3 are simple in nature."

(Emphasis added)

12. The offences alleged inter alia are the ones punishable under Sections 323 and 324 of the IPC. They read as follows: 323. Punishment for voluntarily causing hurt.- Whoever, except in the case provided for by section 334, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Section 323 deals with punishment for voluntarily causing hurt. Whoever would voluntarily cause hurt would become punishable under Section 323 of the IPC. Section 324 deals with voluntarily causing hurt by dangerous weapons or means. It reads as follows: 324. Voluntarily causing hurt by dangerous weapons or means.-Whoever, except in the case provided for by section 334, voluntarily causes hurt by means of any instrument for shooting, stabbing or - 11 - CRL.P No.7585 of 2021 cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Therefore, in the case at hand, the two go hand in hand. The petitioners are alleged to have used knives and wooden club to assault the complainant. The assault has led to injury, though the description of the injury by the Doctor are said to be simple in nature, nonetheless, they are injuries.

13. Section 448 of the IPC deals with punishment for house trespass. The allegation is, that the petitioners have barged into the house of the complainant and have assaulted. Therefore, there is prima facie case of house trespass. Submission of the learned counsel for petitioners is that no incident of the kind has happened, it is all a story twined by the complainant is noted only to be rejected, as there is prima facie evidence of the incident and the contents of the incident.

The intent behind the incident prima facie is the transaction between the parties. Therefore, all these matters will have to - 12 - CRL.P No.7585 of 2021 be proved in a full blown trial, in which the petitioners have to come out clean.

14. The aforesaid facts and the submissions are in the realm of seriously disputed questions of fact. The Apex Court in the case of KAPTAN SINGH v. STATE OF UTTAR PRADESH¹ has held that the High Courts in exercise of jurisdiction under Section 482 of the Cr.P.C. should not interfere in cases where there are seriously disputed questions of facts. The Apex Court has held as follows: 9.1. At the outset, it is required to be noted that in the present case the High Court in exercise of powers under Section 482 Cr PC has quashed the criminal proceedings for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC. It is required to be noted that when the High Court in exercise of powers under Section 482 Cr PC quashed the criminal proceedings, by the time the investigating officer after recording the statement of the witnesses, statement of the complainant and collecting the evidence from the incident place and after taking statement of the independent witnesses and even statement of the accused persons, has filed the charge-sheet before the learned Magistrate for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC and even the learned Magistrate also took the cognizance. From the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914]. passed by the High Court, it does not appear that the High Court took into consideration the material collected during the investigation/inquiry and even the statements recorded. If the petition under Section 482 Cr PC was at the 1 (2021) 9 SCC35- 13 - CRL.P No.7585 of 2021 stage of FIR in that case the allegations in the FIR/complaint only are required to be considered and whether a cognizable offence is disclosed or not is required to be considered. However, thereafter when the statements are recorded, evidence is collected and the charge-sheet is filed after conclusion of the investigation/inquiry the matter stands on different footing and the Court is required to consider the material/evidence collected during the investigation. Even at this stage also, as observed and held by this Court in a catena of decisions, the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial. As held by this Court in Dineshbhai Chandubhai Patel

[Dineshbhai Chandubhai Patel v. State of Gujarat, (2018) 3 SCC104: (2018) 1 SCC (Cri) 683]. in order to examine as to whether factual contents of FIR disclose any cognizable offence or not, the High Court cannot act like the investigating agency nor can exercise the powers like an appellate court. It is further observed and held that that question is required to be examined keeping in view, the contents of FIR and prima facie material, if any, requiring no proof. At such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and material relied on. It is further observed it is more so, when the material relied on is disputed. It is further observed that in such a situation, it becomes the job of the investigating authority at such stage to probe and then of the court to examine questions once the charge-sheet is filed along with such material as to how far and to what extent reliance can be placed on such material.

9.2. In Dhruvaram Murlidhar Sonar [Dhruvaram Murlidhar Sonar v. State of Maharashtra, (2019) 18 SCC191: (2020) 3 SCC (Cri) 672]. after considering the decisions of this Court in Bhajan Lal [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC335:

1992. SCC (Cri) 426]. , it is held by this Court that exercise of powers under Section 482 Cr PC to quash the proceedings is an exception and not a rule. It is further observed that inherent jurisdiction under Section 482 Cr PC though wide is to be exercised sparingly, carefully and with caution, only when such exercise is justified by tests specifically - 14 - CRL.P No.7585 of 2021 laid down in the section itself. It is further observed that appreciation of evidence is not permissible at the stage of quashing of proceedings in exercise of powers under Section 482 Cr PC. Similar view has been expressed by this Court in Arvind Khanna [CBI v. Arvind Khanna, (2019) 10 SCC686: (2020) 1 SCC (Cri) 94]. , Managipet [State of Telangana v. Managipet, (2019) 19 SCC87: (2020) 3 SCC (Cri) 702]. and in XYZ [XYZ v. State of Gujarat, (2019) 10 SCC337: (2020) 1 SCC (Cri) 173]. , referred to hereinabove.

9.3. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand, we are of the opinion that the High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 Cr PC.

10. The High Court has failed to appreciate and consider the fact that there are very serious triable issues/allegations which are required to be gone into and considered at the time of trial. The High Court has lost sight of crucial aspects which have emerged during the course of the investigation. The High Court has failed to appreciate and consider the fact that the document i.e. a joint notarised affidavit of Mamta Gupta Accused 2 and Munni Devi under which according to Accused 2 Ms Mamta Gupta, Rs 25 lakhs was paid and the possession was transferred to her itself is seriously disputed. It is required to be noted that in the registered agreement to sell dated 27-10-2010, the sale consideration is stated to be Rs 25 lakhs and with no reference to payment of Rs 25 lakhs to Ms Munni Devi and no reference to handing over the possession. However, in the joint notarised affidavit of the same date i.e. 27-10-2010 sale consideration is stated to be Rs 35 lakhs out of which Rs 25 lakhs is alleged to have been paid and there is a reference to transfer of possession to Accused 2. Whether Rs 25 lakhs has been paid or not the accused have to establish during the trial, because the accused are relying upon the said document and payment of Rs 25 lakhs as mentioned in the joint notarised affidavit dated 27-10-2010. It is also required to be considered that the first agreement to sell in which Rs 25 lakhs is stated to be sale consideration and there is reference to the payment of Rs 10 lakhs by cheques. It is a registered document. The aforesaid are all triable - 15 - CRL.P No.7585 of 2021 issues/allegations which are required to be considered at the time of trial. The High Court has failed to notice and/or consider the material collected during the investigation.

11. Now so far as the finding recorded by the High Court that no case is made out for the offence under Section 406 IPC is concerned, it is to be noted that the High Court itself has noted that the joint notarised affidavit dated 27-10-2010 is seriously disputed, however as per the High Court the same is required to be considered in the civil proceedings. There the High Court has committed an error. Even the High Court has failed to notice that another FIR has been lodged against the accused for the offences under Sections 467, 468, 471 IPC with respect to the said alleged joint notarised affidavit. Even according to the accused the possession was handed over to them. However, when the payment of Rs 25 lakhs as mentioned in the joint notarised affidavit is seriously disputed and even one of

the cheques out of 5 cheques each of Rs 2 lakhs was dishonoured and according to the accused they were handed over the possession (which is seriously disputed) it can be said to be entrustment of property. Therefore, at this stage to opine that no case is made out for the offence under Section 406 IPC is premature and the aforesaid aspect is to be considered during trial. It is also required to be noted that the first suit was filed by Munni Devi and thereafter subsequent suit came to be filed by the accused and that too for permanent injunction only. Nothing is on record that any suit for specific performance has been filed. Be that as it may, all the aforesaid aspects are required to be considered at the time of trial only.

12. Therefore, the High Court has grossly erred in quashing the criminal proceedings by entering into the merits of the allegations as if the High Court was exercising the appellate jurisdiction and/or conducting the trial. The High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 Cr PC.-. 16 - CRL.P No.7585 of 2021 13. Even the High Court has erred in observing that original complaint has no locus. The aforesaid observation is made on the premise that the complainant has not placed on record the power of attorney along with the counter filed before the High Court. However, when it is specifically stated in the FIR that Munni Devi has executed the power of attorney and thereafter the investigating officer has conducted the investigation and has recorded the statement of the complainant, accused and the independent witnesses, thereafter whether the complainant is having the power of attorney or not is to be considered during trial.

14. In view of the above and for the reasons stated above, the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914], passed by the High Court quashing the criminal proceedings in exercise of powers under Section 482 Cr PC is unsustainable and the same deserves to be quashed and set aside and is accordingly quashed and set aside. Now, the trial is to be conducted and proceeded further in accordance with law and on its own merits. It is made clear that the observations made by this Court in the present proceedings are to be treated to be confined to the proceedings under Section 482 Cr PC only and the trial court to decide the case in accordance with law and on its own merits

and on the basis of the evidence to be laid and without being influenced by any of the observations made by us hereinabove. The present appeal is accordingly allowed. (Emphasis supplied) In the light of the aforesaid facts and the judgment of the Apex Court, the case cannot be brushed aside on the ground that it is purely civil in nature. The issue between the petitioners and the 2nd respondent/complainant could be purely civil in nature. Merely because the issues are civil in nature, the offences that are alleged cannot be ignored. The Apex Court in the case of - 17 - CRL.P No.7585 of 2021 KAMAL SHIVAJI POKARNEKAR V. STATE OF MAHARASHTRA² has held as follows:

"5. Quashing the criminal proceedings is called for only in a case where the complaint does not disclose any offence, or is frivolous, vexatious, or oppressive. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by the Magistrate, it is open to the High Court to quash the same. It is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification for the High Court to interfere [State of Karnataka v. M. Devendrappa, (2002) 3 SCC89:

2002. SCC (Cri) 539]. .

6. Defences that may be available, or facts/aspects which when established during the trial, may lead to acquittal, are not grounds for quashing the complaint at the threshold. At that stage, the only question relevant is whether the averments in the complaint spell out the ingredients of a criminal offence or not [Indian Oil Corpn. v. NEPC (India) Ltd., (2006) 6 SCC736: (2006) 3 SCC (Cri) 188]. .

7. Relying upon the aforementioned judgments of this Court, Mr M.N. Rao, learned Senior Counsel appearing for the appellant submitted that the High Court acted in excess of its jurisdiction in setting aside the order of the trial court by which process for summoning the accused was issued. He further submitted that the evaluation of the merits of the allegations made on either side cannot be resorted to at this stage.

8. Mr R. Basant, learned Senior Counsel appearing for Respondents 2 to 6 and 8 to 11 submitted that a proper evaluation of the material on record would disclose that the complaint is frivolous. He submitted that the dispute is essentially of a civil nature and the 2 (2019) 14 SCC350- 18 - CRL.P No.7585 of 2021 ingredients of the offences that are alleged against the respondent are not made out. By making the above statement, Mr Basant commended to this Court that there is no warrant for interference with the judgment of the High Court.

9. Having heard the learned Senior Counsel and examined the material on record, we are of the considered view that the High Court ought not to have set aside the order passed by the trial court issuing summons to the respondents. A perusal of the complaint discloses prima facie, offences that are alleged against the respondents. The correctness or otherwise of the said allegations has to be decided only in the trial. At the initial stage of issuance of process it is not open to the courts to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Criminal complaints cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

(Emphasis supplied) The Apex Court in the aforesaid judgments has clearly held that merely because the transaction appears to be civil in nature, the proceedings should not be stifled if the complaint and the charge sheet would make out the offences alleged.

15. As observed hereinabove, the transaction between the petitioners and the 2nd respondent cannot but be said to be purely civil in nature. Merely because the issue is purely civil in - 19 - CRL.P No.7585 of 2021 nature or civil proceedings are pending between the parties, is no licence to commit assault.

16. For the aforesaid reasons, the following:

ORDER

(i) Criminal Petition lacking in merit stands dismissed. (ii) It is made clear that the observations made in the course of the order are only for the purpose of

consideration of the case of petitioners under Section 482 of Cr.P.C. and the same shall not bind or influence the proceedings against them in the proceedings pending before the concerned Court. (iii) The proceedings are of the year 2019. Four years have passed by. The 1st petitioner is a student. Therefore, the trial Court shall endeavour to dispose the matter as expeditiously as possible, at any rate within nine months from the date of receipt of the copy of this order. Sd/-
JUDGE bkp

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com