

IN THE SUPREME COURT OF INDIA
[S.C.R., Order XXII Rule 2(1)]
CRIMINAL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (CRIMINAL) NO. _____ OF 2015
UNDER ARTICLE 136 OF CONSTITUTION OF INDIA

(Arising from the impugned interim order dated 04.03.2015
passed by the High Court of Delhi at New Delhi in Crl M.C.
725/2015 and Crl. MA 2765/2015)

(With prayer for Interim Relief)

IN THE MATTER OF:-

AG ...Petitioner

Versus

Shiv Kumar Yadav & Anr. ...Respondents

PAPER BOOK

CRL.M.P No. Of 2015:- Application for permission to file SLP

CRL.M.P No. of 2015:- Application for exemption from
filing certified copy of the impugned
order

COUNSEL FOR THE PETITIONER:- SATYA MITRA

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IN THE SUPREME COURT OF INDIA
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(With prayer for Interim Relief)

IN THE MATTER OF:-

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OFFICE REPORT ON LIMITATION

1. The Petition is within time.
2. The Petition is barred by time and there is delay of ... days in filing the same against order dated 04.03.2015 and application for condonation of days delay has been filed.
3. There is delay of days in refilling the petition and application for condonation of days delay in refilling has been filed.

New Delhi

BRANCH OFFICER

Dated:

SYNOPSIS

1. This petition filed in some urgency impugns the order and judgment dated 04.03.2015 of the Delhi High Court in CrI. M.C. 725/2015 AND CrI. MA 2765/2015.

2. This petition is being moved by the complainant in what is known as the Delhi Uber Rape case where the complainant was assaulted and raped by Respondent-1 in a taxi late at night on 05.12.2014. FIR was lodged by the complainant on 06.12.2014 hereto. Accused was arrested on 07.12.2014 and is in judicial custody in Tihar jail. The current IO is SI Renu of the PS Sarai Rohilla. Chargesheet was filed on 24.12.2014. Charges were framed u/s 376(2)(m), 366, 323 and 506 IPC on 13.01.2015 against the accused and the trial began.

3. The evidence of 28 prosecution witnesses were recorded by the ASJ-SPL.FTC-2 (Central): Delhi, as set out in the chart below:

| Date | Prosecution Witness |
|--|---------------------------------|
| 15 th Jan, 2015 | PW 1- Duty Officer |
| 15 th , 16 th , 17 th Jan, 2015 | PW 2- Complainant |
| 19 th Jan, 2015 | PW 3- Doctor Hindu Rao Hospital |

| | |
|---|---|
| 19 th Jan,2015 | PW 4- Doctor, Hindu Rao Hospital |
| 19 th Jan,2015 | PW 5- UDC, Sheikh Sarai Transport Authority |
| 19 th Jan,2015 | PW 6- Inspector, Crime Branch |
| 19 th Jan,2015 | PW 7- Manager, Kangaroo Cabs Pvt. Ltd. |
| 20 th Jan, 2015 | PW 8 - Nodal Officer, Vodafone Mobile Services Ltd. |
| 20 th Jan, 2015 | PW 9- MHC [M], PS Sarai Rohilla |
| 20 th Jan, 2015 | PW 10- Constable, PS Sarai Rohilla |
| 21 st Jan, 2015 | PW 11- Officer, Bharti Airtel Limited |
| 21 st Jan, 2015 | PW 12- Doctor, Hindu Rao Hospital |
| 22 nd -23 rd Jan, 2015 | PW 13- SI, PS Lahori Gate |
| 22 nd -24 th Jan, 2015 | PW 14- SI, PS Sarai Rohilla |
| 23 rd Jan, 2015 | PW 15- HC, PS Mehrauli |
| 23 rd Jan, 2015 | PW 16- ASI, PCR |
| 23 rd Jan, 2015 | PW 17- Assistant, CFSL, CBI |
| 23 rd Jan, 2015 | PW 18- Assistant, CFSL, CBI |
| 23 rd Jan, 2015 | PW 19- Senior Officer, CFSL,CBI |
| 23 rd Jan, 2015 | PW 20- Doctor Hindu Rao Hospital |
| 23 rd Jan, 2015 | PW 21- DD Writer, PS Sarai Rohilla |
| 24 th , 27 th Jan, 2015 | PW 22- Female SI, PS Sarai Rohilla |
| 27 th Jan, 2015 | PW 23- Friend of complainant |
| 28 th Jan, 2015 | PW 24- SI, PS Highway Mathura, UP |

| | |
|--|---|
| 28 th Jan, 2015 | PW 25- Constable PS Alau, District Mainpuri UP |
| 28 th -29 TH Jan, 2015 | PW 26- Senior Officer, CFSL, CBI |
| 29 TH -31 st Jan, 2015 | PW 27- SI, PS Sarai Rohilla |
| 30 th Jan, 2015 | PW 28- Head of Business, Uber Asia |

4. Prosecution evidence was closed by order dated 31.01.2015. On 03.02.2015 statement of the accused was recorded u/s 313 CrPC. On 09.02.2015 advocate Dharmendra Kumar Mishra appeared for the accused and his earlier counsel Mr. Alok Dubey sought discharge. On 13.02.2015 an application was made u/s 311 CrPC for recall of all the PW 1-28. This application is at Annexure P-1. A perusal of the application would show that there is no case made out regarding there being any legal impediment to the earlier counsel representing the accused. The only ground made out was that the case was complicated and the counsel unequal to the task.

5. By order dated 18.02.2015 the trial court rejected the application. This order is at Annexure P-2. In paragraph 9 the trial court points out that initially the accused was provided the legal aid counsel. After the chargesheet was filed on 24.12.2014, Shri Alok Kumar Dubey counsel

appointed by the accused as a private lawyer began to represent the accused until 09.02.2015 and during this period the 28 prosecution witnesses were examined, the prosecution evidence was closed and the section 313 statement of the accused was recorded and it was only thereafter on 09.02.2015 when the new counsel Dharmendra Kumar Mishra filed his vakalatnama. The Court further noticed that the accused did not want to be represented by legal aid and engaged private counsel Shri Alok Kumar Dubey as well as one Advocate Ankit Bhatia.

6. In paragraph 14 the Court notices that the accused was not a stranger to a criminal trial having been acquitted in another rape case FIR 521/2011 of PS Mehrauli u/s 376/506 IPC.

7. In paragraph 15, 16, 17 and 18 of the trial court order the court observes that Shri Alok Kumar was consulting with the accused from time to time during the cross examinations and that adequate time was granted by deferring the cross examination.

8. In paragraph 22 the Court concludes that the claim of the

accused that the case was proceeding at a hurried pace or that he was not duly represented was a bundle of lies as the accused never submitted before the Court that he wanted to change his counsel. Quite the contrary, the record reveals that Alok Kumar Dubey was acting in accordance with the instructions of the accused. The Court also noted:

“22. The aforesaid proceedings clearly bely the claim of the accused/applicant that the case has been proceeding at a “hurried pace” or that he was not duly represented by a defence counsel of his choice. The claim of the applicant that he was unwilling to continue with his earlier counsel is also nothing but a bundle of lie in as much as the accused never submitted before the court that he wants to change his counsel. Rather, it is revealed from the record that the earlier counsel, Sh. Alok Kumar was acting as per his instructions and hvaing legal interview with him. The accused cannot be permitted to take advantage of his submissions made on the first date i.e. 13/01/2015 that he wants to engage a new counsel as his subsequent conduct does not support this submission. I may also add that

before proceeding with the case further, I had personally asked the accused in the open court whether he wants to continue with his counsels and only on getting a reply in the affirmative, were the proceedings continued further. It thus appears that the endeavor of the accused by filing this application is only to delay the proceedings despite the fact that all along the trial his request for adjournment have been duly considered and allowed and he has been duly represented by a private counsel of his choice.”

9. In paragraph 26 the Court notices that the prosecution witnesses have been cross examined at length. In paragraph 36 the Court concludes that the application was only an attempt to protract the trial and seek an entire retrial. Accordingly the application was rejected.

10. The accused then filed Crl. M.C. 725/2015 and Crl. MA 2765/2015 (at Annexure P-3 and Annexure P-4 respectively) and the impugned order dated 04.03.2015 was made. In paragraph 3, for the first time a submission was made on behalf of the accused that advocate Alok Kumar Dubey had not even passed the screen test as was

required by The Bar Council of India. In paragraph 24 of the impugned order, the High Court found no fault in the manner in which the trial was conducted. Paragraph 25 concludes that the accused was not deprived of due consultation with his advocate. From paragraph 26 onwards the High Court notes that there was due consultation between the accused and his lawyer Mr. Alok Kumar Dubey and that the cross examination of the witnesses was deferred a number of times to accommodate defence counsel and the accused.

11. In respect of the submission regarding the legal competence of Alok Kumar Dubey to represent the accused, the High Court held as under:

“32. The other submission of learned counsel for the petitioner that Sh. Alok Dubey, Advocate was not competent to appear as an advocate inasmuch as he had not even undergone screening test as required by Bar Council of Delhi Rules and was not issued practice certificate, this submission is not fortified by any record.”

12. In paragraph 33 of the impugned order, the High Court concludes:

“Moreover, one cannot lose sight of the fact that

the Advocate was appointed by the petitioner of his own choice.”

13. Given these findings above mentioned, the High Court makes a surprising about turn and in a cryptic conclusion which is not backed by any reasoning concluded as under:

“38. ...in view of the circumstances narrated by learned counsel for the petitioner as detailed in paragraph 15 (a) to (xx), for ensuring fair trial, it is deemed proper to recall certain witnesses. Moreover, petitioner is in custody and incase he adopts delaying tactics, it is only he who would suffer.”

14. Hence this petition on the following grounds:

- a) The application for recall and re-examination of witnesses was essentially an application for a re-trial.

- b) Given the concurrent findings of the trial court and the High Court to the effect that:
 - i) The lawyer Alok Kumar Dubey was consciously appointed by the accused.

- ii) The accused nowhere complained against his lawyer.
- iii) The accused and Alok Kr. Dubey were seen consulting each other elaborately indicating that there was a meeting of minds between them.
- iv) The accused and his lawyer were given adjournments repeatedly for consultation and preparation.
- v) The plea of Alok Kr. Dubey being a novice was never made at any stage until the entire prosecution evidence was closed and s. 313 statement of the accused recorded and the matter was fixed for arguments.
- vi) The plea was never taken in the application for recall that Alok Kr. Dubey did not have a Bar Council of India certificate to practice.
- vii) The above plea regarding Certificate to practice was not pursued by producing any record. In other words, it was a bald statement made across the Bar.
- viii) The conclusion of the High Court that it is the accused alone who stands to suffer on account of the delay is totally wrong as it is the victim who

suffers the most for having to go through a trial virtually from the beginning all over again.

- ix) No reason is given as to why, given the abovementioned findings of the trial court and the High Court, the High Court abruptly jumped to the conclusion that recall and re examination was necessary.
- x) The order is unconstitutional and in breach of the principles regarding recall and re-examination u/s 311 CrPC causes substantial injustice to the complainant and goes against the very principles of speedy trial and the Criminal Law Amendment Act, 2013.
- xi) The proceedings in the High Court were completed without making the complainant a party although she was a necessary and proper party and was destined to suffer the most by an adverse order of the High Court.

List of Dates and Events

Dates

Events

05/12/2014 The complainant was raped in a taxi at night.

06/12/2014 FIR lodged by the complainant dated 06.12.2014.

24/12/2014 Chargesheet was filed dated 24.12.2014.

15/01/2015- Statement of PW 1-28 was recorded.
31/01/2015

13/02/2015 An Application filed by Respondent 1 u/s 311 CrPC to recall all 28 witnesses dated 13.02.2015. True copy of the order dated 13.02.2015 is annexed hereto and marked as **Annexure P-1.** (Page ____ to Page ____)

18/02/2015 An order of ASJ-SPL. FTC-2 (Central): Delhi dated 18.02.2015 dismissing the said application. True copy of the order dated 18.02.2015 is annexed hereto and marked as **Annexure P-2.** (Page ____ to Page ____)

23.02.2015 CrI. M.C. 725/2015 was filed by Respondent 1 dated 23.02.2015. True copy of the application dated 23.02.2015 is annexed hereto & marked as **Annexure P-3.**(Page _ to Page _)

23.02.2015 Crl. MA 2765/2015 for stay was filed by Respondent 1 dated 23.02.2015 True copy of the application dated 23.02.2015 is annexed hereto & marked as **Annexure P-4** (Page _ to Page _)

04.03.2015 The Application Crl. M.C. 725/2015 and Crl. MA 2765/2015 (for stay) filed by Respondent 1 in the High Court for recalling witnesses was allowed vide the impugned order dated 04.03.2015 .

Hence the Special Leave Petition

IN THE SUPREME COURT OF INDIA

[S.C.R., Order XXII Rule 2(1)]

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CRIMINAL) NO. ____ OF 2015

UNDER ARTICLE 136 OF CONSTITUTION OF INDIA

(Arising from the impugned interim order dated 04.03.2015 passed by the High Court of Delhi at New Delhi in Crl M.C. 725/2015 and Crl. MA 2765/2015)

(With prayer for Interim Relief)

BETWEEN:

POSITION OF THE PARTIES

In the High Court In this Hon'ble Supreme Court

AG

Not a party

Petitioner

VERSUS

1. Shiv Kumar Yadav

Currently lodged at Tihar Jail

Petitioner

Contesting

New Delhi

Respondent No.

1

2. Government of NCT of Delhi

Contesting

Through its Secretary,

Respondent

Respondent No.

Old Secretariat,

2

New Delhi 110001

To

THE HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS LORDSHIPS OTHER COMPANION JUSTICES

THE HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

1. MOST RESPECTFULLY SHOWETH: -

1. This Special Leave Petition under Article 136 of the Constitution is directed against the impugned order and judgment dated 04.03.2015 of the High Court of Delhi at New Delhi in CrI M.C. 725/2015 and CrI. MA 2765/2015. That vide the impugned order of the High Court of Delhi application of respondent 1 to recall 13 witnesses for the purpose of further cross examination was allowed.

1A. No writ appeal or LPA lies against the impugned order.

2. QUESTION OF LAW

The Petitioner raises important points of law of general public importance.

1. Whether the Hon'ble High Court of Delhi at New Delhi was correct in allowing the petition for recalling 13 witnesses who had already been thoroughly examined?
2. Whether the Hon'ble High Court vide the impugned order and judgment justified to disregard the observations made in the order of ASJ-SPL. FTC-2 (Central): Delhi dated 18.02.2015 stating clearly that respondent 1 was given proper legal representation as per his choice and this application was merely a delaying tactic?

3. DECLARATION IN TERMS OF RULE 3 (2)

The petitioner states that no other petition seeking Special Leave to Appeal has been filed by him against the impugned order passed by the Hon'ble High Court of Delhi at New Delhi.

4. DECLARATION IN TERMS OF RULE 5:

The petitioner states that the Annexure P- 1 to P- _____ produced along with the Special Leave Petition are true copies of the pleadings/documents which form part of the records of the case in the courts below against whose orders the Special Leave Petition to Appeal is sought for this petition.

5. GROUNDS

5.1 Because a perusal of the application made by the respondent 1 made u/s 311 CrPC for recall of all the PW 1-28 would show that there is no case made out regarding there being any legal impediment to the earlier counsel representing the accused. The only ground made out was that the case was complicated and the counsel unequal to the task.

5.2 Because by order dated 18.02.2015 the trial court rejected the application. In paragraph 9 the trial court points out that initially the accused was provided the legal aid counsel. After the chargesheet was filed on 24.12.2014, Shri Alok Kumar Dubey counsel appointed by the accused as a private lawyer began to

represent the accused until 09.02.2015 and during this period the 28 prosecution witnesses were examined, the prosecution evidence was closed and the section 313 statement of the accused was recorded and it was only thereafter on 09.02.2015 when the new counsel Dharmendra Kumar Mishra filed his vakalatnama. The Court further noticed that the accused did not want to be represented by legal aid and engaged private counsel Shri Alok Kumar Dubey as well as one Advocate Ankit Bhatia.

5.3 Because the trial court order states that the court observes that Shri Alok Kumar was consulting with the accused from time to time during the cross examinations and that adequate time was granted by deferring the cross examination.

5.4 Because in paragraph 22 the trial Court concludes that the claim of the accused that the case was proceeding at a hurried pace or that he was not duly represented was a bundle of lies as the accused never submitted before the Court that he wanted to change his counsel. Quite the contrary, the record reveals that Alok Kumar Dubey was acting in accordance with the instructions of the accused.

5.5 Because in paragraph 26 the trial Court notices that the

prosecution witnesses have been cross examined at length. In paragraph 36 the Court concludes that the application was only an attempt to protract the trial and seek an entire retrial. Accordingly the application was rejected.

5.6 Because in paragraph 24 of the impugned order, the High court found no fault in the manner in which the trial was conducted. Paragraph 25 concludes that the accused was not deprived of due consultation with his advocate. From paragraph 26 onwards the High Court notes that there was due consultation between the accused and his lawyer Mr. Alok Kumar Dubey and that the cross examination of the witnesses was deferred a number of times to accommodate defence counsel and the accused.

5.7 Because in respect of the submission regarding the legal competence of Alok Kumar Dubey to represent the accused, the High Court held as under:

“32. The other submission of learned counsel for the petitioner that Sh. Alok Dubey, Advocate was not competent to appear as an advocate inasmuch as he had not even undergone screening test as required by Bar Council of Delhi Rules and was not issued

practice certificate, this submission is not fortified by any record.”

5.8 Because in paragraph 33 of the impugned order, the High Court concludes

“Moreover, one cannot lose sight of the fact that the Advocate was appointed by the petitioner of his own choice.”

5.9 Because the High Court makes a surprising about turn and in a cryptic conclusion which is not backed by any reasoning concluded as under:

“38. ...in view of the circumstances narrated by learned counsel for the petitioner as detailed in paragraph 15 (a) to (xx), for ensuring fair trial, it is deemed proper to recall certain witnesses. Moreover, petitioner is in custody and incase he adopts delaying tactics, it is only he who would suffer.”“para 32..first 5 lines starting with the other submission....ending with fortified by any record”

5.10 Because the application for recall and re examination of witnesses was essentially an application for a re-trial.

5.11 Because given the concurrent findings of the trial court and the High Court to the effect that:

1. The lawyer Alok Kumar Dubey was consciously appointed by the accused.
2. The accused nowhere complained against his lawyer.
3. The accused and Alok Kr. Dubey were seen consulting each other elaborately indicating that there was a meeting of minds between them.
4. The accused and his lawyer were given adjournments repeatedly for consultation and preparation.
5. The plea of Alok Kr. Dubey being a novice was never made at any stage until the entire prosecution evidence was closed and s. 313 statement of the accused recorded and the matter was fixed for arguments.
6. The plea was never taken in the application for recall that Alok Kr. Dubey did not have a Bar Council of India certificate to practice.
7. The above plea regarding Certificate to practice was not pursued by producing any record. In other

words, it was a bald statement made across the Bar.

8. The conclusion of the High Court that it is the accused alone who stands to suffer on account of the delay is totally wrong as it is the victim who suffers the most for having to go through a trial virtually from the beginning all over again.

No reason is given as to why, given the abovementioned findings of the trial court and the High Court, the High Court abruptly jumped to the conclusion that recall and re examination was necessary.

5.12 Because the order is unconstitutional and in breach of the principles regarding recall and re-examination u/s 311 CrPC causes substantial injustice to the complainant and goes against the very principles of speedy trial and the Criminal Law Amendment Act, 2013.

5.13 Because the proceedings in the High Court were completed without making the complainant a party although she was a necessary and proper party and was destined to suffer the most by an adverse order of the High Court.

6. GROUNDS FOR INTERIM RELIEF:

1. BECAUSE the present petitioner will be put to unnecessary torture and harassment by going through the traumatised experience once again.
2. BECAUSE vide the impugned order the recall of witnesses has already been proceeded with by the trial court.
3. BECAUSE there is reasonable ground to believe that the petitioner is put to such an ordeal only to be victimised repeatedly.

7. MAIN PRAYER:

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Pass an order to grant Special Leave to appeal against the impugned interim order dated 04.03.2015 passed by the High Court of Delhi at New Delhi in Crl M.C. 725/2015 and Crl. MA 2765/2015.
- b) Pass such other or further orders as this Hon'ble Court may deem fit and proper in the interest of total justice.

8. INTERIM PRAYER:

In the facts and circumstances set out herein above it is MOST RESPECTFULLY PRAYED that this Hon'ble Court may be pleased to:

- a) Pass an order to grant stay of the trial before the ASJ-SPL.

FTC-2 (Central): Delhi in Sessions case No. 02/2015 vide
FIR No. 1291/2014 PS Sarai Rohilla till the pendency of the
present petition;

b) Pass any such other orders be also passed in favor of the
petitioner as deemed fit and proper in the facts and
circumstances of the case and in the interest of justice.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS
IN DUTY BOUND SHALL EVER PRAY**

Drawn By: Fatima A. Quraishi, Adv.

FILED BY

Drawn on:

(SATYA MITRA)

Filed on:

Advocate for the Petitioner

IN THE SUPREME COURT OF INDIA
[S.C.R., Order XXII Rule 2(1)]
CRIMINAL APPELLATE JURISDICTION
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AG ...Petitioner

Versus

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CERTIFICATE

Certified that the Special Leave Petition is confined only to the pleadings before the Court whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Special Leave Petition. It is further certified that the copies of the documents/annexure attached to the Special Leave Petition are necessary to answer the questions of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. This Certificate is given on the basis of the instructions given by the petitioner/person authorized by the petitioner whose Affidavit is filed in support of the S.L.P.

New Delhi

Date:

Filed By

Satya Mitra

Advocate for the Petitioner

IN THE SUPREME COURT OF INDIA
[S.C.R., Order XXII Rule 2(1)]
CRIMINAL APPELLATE JURISDICTION
Crl. MP No. Of 2015

IN

SPECIAL LEAVE PETITION (CRIMINAL) NO. ____ OF 2015

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725/2015 and Crl. MA 2765/2015)

(With prayer for Interim Relief)

IN THE MATTER OF:-

AG

...Petitioner

Versus

Shiv Kumar Yadav & Anr.

...Respondents

APPLICATION FOR PERMISSION TO FILE SPECIAL LEAVE
PETITION

To,

THE HON'BLE THE CHIEF JUSTICE
OF INDIA AND HIS COMPANION JUDGES
OF THE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:

1. The Petitioner above named respectfully submits this Special Leave Petition impugns the order and judgment of the Delhi High Court at New Delhi dated 04.03.2015 in Crl M.C. 725/2015

and Crl. MA 2765/2015 to the extent that is against the Petitioner.

2. The petitioner reiterates all of the contentions taken in Special Leave Petition and List of Dates for the purposes of this application also for the sake of brevity and convenience.

3. The petitioner is the complainant in the criminal trial pending before the learned Additional Sessions Judge in Sessions Case No. 02.2015 vide FIR No. 1291/2014 PS Sarai Rohilla. The impugned order was passed without making the complainant a party.

4. The petitioner was a necessary and proper party since she was the one who would be most affected by any adverse order passed by the Hon'ble High Court. Vide the impugned order which was passed 5 days back, the petitioner has been greatly distressed, traumatised and made to re-live the heinous experience and therefore has approached this Hon'ble Court to file an SLP against the impugned order.

5. In view of the urgency, the petitioner may please be allowed to file this SLP.

P R A Y E R

In the facts and circumstances set out herein above it is most respectfully prayed that this Hon'ble Court may be pleased to:

1. Pass an order to allow the petitioner to file this Special Leave Petition against the order and judgment of the Delhi

High Court at New Delhi dated 04.03.2015 in Crl M.C.
725/2015 and Crl. MA 2765/2015.

2. Pass any other order and/or directions as this Hon'ble
Court may deem fit and proper.

AND FOR ACT OF KINDNESS AND JUSTICE THE PETITIONER
SHALL EVER PRAY AS IN DUTY BOUND.

Filed on:

Place: New Delhi

Filed by

(Satya Mitra)

Advocate for the Petitioner

IN THE SUPREME COURT OF INDIA
[S.C.R., Order XXII Rule 2(1)]
CRIMINAL APPELLATE JURISDICTION
Crl. MP No. Of 2015

IN

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(With prayer for Interim Relief)

IN THE MATTER OF:-

AG

...Petitioner

Versus

Shiv Kumar Yadav & Anr.

...Respondents

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED

COPY OF THE IMPUGNED ORDER

To,

THE HON'BLE THE CHIEF JUSTICE

OF INDIA AND HIS COMPANION JUDGES

OF THE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:

1. The Petitioner above named respectfully submits this Special Leave Petition impugns the order and judgment of the Delhi High Court at New Delhi dated 04.03.2015 in Crl M.C. 725/2015 and Crl. MA 2765/2015 to the extent that is against the Petitioner.

2. The petitioner reiterates all of the contentions taken in Special Leave Petition and List of Dates for the purposes of this application also for the sake of brevity and convenience.

3. Since the impugned order was passed 5 days back, it was not possible to get a certified copy of the judgment. The petitioner has however requested his advocate to apply for the certified copy of the impugned order and the same is not yet received from the learned Advocate. The petitioner undertakes to file the certified copy of the order as and when it is available.

4. In view of the urgency the petitioner may please be exempted from filling certified copy of the Impugned order.

P R A Y E R

In the facts and circumstances set out herein above it is most respectfully prayed that this hon'ble court may be pleased to:

1. Pass an order to exempt the petitioner from filing certified copy of the impugned order and judgment of the Delhi High Court at New Delhi dated 04.03.2015 in Crl M.C. 725/2015 and Crl. MA 2765/2015.
2. Pass any other order and/or directions as this Hon'ble Court may deem fit and proper.

AND FOR ACT OF KINDNESS AND JUSTICE THE PETITIONER
SHALL EVER PRAY AS IN DUTY BOUND.

Filed on:

Place: New Delhi

Filed by
(Satya Mitra)

Advocate for the Petitioner

Appendix

Section 311 in The Code Of Criminal Procedure, 1973

311. Power to summon material witness, or examine person present. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it to be essential to the just decision of the case.