

SUPREME COURT OF INDIA**Bench: JUSTICE VIKRAM NATH and JUSTICE RAJESH BINDAL****Date of Decision: 03-10-2023**

Petition(s) for Special Leave to Appeal (Crl.) No(s). 11884/2023 (Arising out of impugned final judgment and order dated 24-08-2023 in SCRLA No. 7646/2023 passed by the High Court of Gujarat at Ahmedabad)

SLP(Crl) No. 11943/2023 (II-B)(IA No.191250/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)Diary No(s). 37428/2023 (II-B(FOR ADMISSION and I.R. and IA No.194847/2023-CONDONATION OF DELAY IN FILING)

SANJIV KUMAR RAJENDRABHAI BHATT**Petitioner(s)****VERSUS****THE STATE OF GUJARAT****Respondent(s)****Sections, Acts, Rules and Articles:**

Narcotic Drugs and Psychotropic Substances Act, 1985

Indian Penal Code, 1860

Subject: Abuse of legal process by the petitioner, who has been accused under the Narcotic Drugs and Psychotropic Substances Act, 1985, and the Indian Penal Code, 1860. It also deals with the persistent delays in trial proceedings and the misuse of judicial resources.

Headnotes:

Delay in Trial Proceedings – Petitioner accused of offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 and the Indian Penal Code, 1860 – Persistent delays in the commencement and continuation of trial for approximately 25-26 years, attributed to the petitioner's filing of multiple frivolous petitions.

Judicial Directions – Multiple directions issued by the High Court and approved by the Supreme Court to conclude the trial within a specified time frame, yet petitioner succeeds in stalling the trial proceedings through frivolous applications.

Judicial Discretion – Exercise of discretion by both the Trial Court and the High Court in dealing with meritless interlocutory applications – No infirmity found in the orders of the High Court.

Abuse of Process – Record of previous impositions of costs for filing frivolous petitions and concealing material facts – Supreme Court holds that misuse and abuse of legal process need to be dealt with firmly.

Cost Imposition – Dismissal of all three petitions filed by the petitioner with costs amounting to Rs. 3 Lakhs to be deposited with the Gujarat High Court Advocates Association for welfare activities.

Miscellaneous – All pending applications stand disposed of, with the stipulation for proof of cost deposit within a specified time frame.

Referred Cases: None.

Representing Advocates:

ORDER

Delay condoned.

These three petitions have been filed by the same petitioner and arise out of the same Sessions Trial as such this common order is being passed even though the orders impugned in the three petitions are different. The petitioner is an accused in a case of 1996 for offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 and also under the Indian Penal Code, 1860.

From a perusal of the impugned orders, in particular, the detailed order which had been passed in SLP(Crl.) No.11884 of 2023, it is apparent that the petitioner managed to delay the commencement of the trial for almost 25-26 years and it was only upon the intervention of the Gujarat High Court and upon directions being issued that the Trial Court could commence the trial after framing of charges against the petitioner and other co-accused. It is also apparent from the impugned orders that after the commencement of the trial, the petitioner had filed more than a dozen petitions before the High Court and this Court to somehow or the other stall the trial.

There are number of directions issued by the High Court and duly approved by this Court directing the Trial Court to conclude the trial

within a specified period. These directions are being issued since 2021. However, the petitioner has every time managed to ensure that the trial does not proceed further by filing some frivolous applications before the Trial Court and then upon its rejection, approaching the High Court and may be, this Court afterwards. The Trial Court has been requesting for extension of time to conclude the trial.

The impugned order of the High Court in SLP(Crl) No.11884 of 2023 gives in detail of the various cases, more than a dozen, filed by the petitioner on completely frivolous grounds. It has also recorded that the petitioner, who was an educated officer of Indian Police Service, has managed to delay the trial. Various strictures recorded by the High Court as also by this Court against the petitioner, not only in this case but also in the other murder trial against the petitioner, have also been incorporated.

In all the three cases, we find that the interlocutory orders passed on applications filed without any merit upon rejection have been assailed before the High Court. The Trial Court as also the High Court dealt in detail with all the applications and found them to be completely meritless. We do not find any infirmity in the orders passed by the High Court which have been impugned in the three petitions. On previous occasions, this Court as recently as on 20.02.2023, imposed cost of Rs.10,000/- on the petitioner for filing frivolous petitions and also concealing material facts.

We are thus of the view that such abuse and misuse of the process of law requires to be dealt with firmly. Accordingly, we dismiss all the three petitions with cost of Rs.1 Lakh each i.e. total of Rs.3 Lakhs to be deposited within four weeks from today with the Gujarat High Court Advocates Association to be utilised for the welfare of its

members or their dependants who need support on medical and other grounds. Proof of such deposit be submitted before this Court within six weeks, failing which the Registry will list these matters for further orders.

Pending application(s), if any, shall stand disposed of.

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