

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 37306/2023
(Arising out of impugned final judgment and order dated 24-05-2023 in A482
No. 19352/2023 passed by the High Court of Judicature at
Allahabad)

SARITA KUMARI**Petitioner(s)****VERSUS****STATE OF U.P. & ANR.****Respondent(s)****Section, Acts, Rules, and Articles:**

Section 173(2), 313, 363, 366, 482 of the Code of Criminal Procedure (CrPC)

Subject: Dismissal of Special Leave Petition (Criminal) filed under Section 482 of CrPC, seeking to quash ongoing trial proceedings, and imposition of costs for abuse and misuse of legal process.

Headnotes:

Special Leave Petition (Criminal) – Dismissal: The petitioner sought to quash ongoing trial proceedings under Section 482 of the Code of Criminal Procedure (CrPC) – The petition dismissed on grounds of abuse and misuse of legal process.

Abuse of Legal Process – Delay in Court Proceedings: Petitioner failed to appear during the trial, leading to issuance of a non-bailable warrant – Failure to participate further even 16 years after the lodging of the FIR, criticized as a glaring example of how litigants abuse and misuse the process of law.

Imposition of Costs: Due to the abuse of legal process, the court imposed costs amounting to Rs. 50,000/-, to be deposited with the Supreme Court Advocates on Record Association Welfare Fund.

Consequences of Non-compliance: The court specified that proof of such deposit must be submitted to the Registry within six weeks, failing which the Registry will list the matter for further orders. [Para 7]

FIR and Trial: The First Information Report was lodged in 2007, and the trial had reached an advanced stage with all prosecution witnesses examined and final arguments commenced – Petitioner's attempt to quash the proceedings at the fag end of the trial disapproved.

Decision: Petition dismissed with costs – All pending applications also stand disposed of.

Referred Cases: None.

For Respondent(s): None.

ORDER

Delay condoned.

The present petition is a glaring example of how unscrupulous litigants abuse and misuse the process of law and in the process waste valuable time of the Court, as such a fit case for imposing costs.

The First Information Report¹ in the present case was lodged in the year 2007. The Police Report under section 173(2) of Code of Criminal Procedure, 1973² was submitted in June 2008. The trial commenced under sections 363/366 wherein all the prosecution witnesses were examined, the examination of the accused under

section 313 CrPC was also conducted and final arguments had commenced before the Trial Court. At this stage, the petitioner failed to appear, as a result of which non-bailable warrant was issued against her on 09.01.2023 and is continuing till date. The petitioner apparently did not surrender nor further participated in the proceedings before the Trial Court. At this stage, after 16 years of the lodging of the FIR and at the fag end of the trial, the petitioner filed a petition under section 482 CrPC for quashing the proceedings of the Sessions Trial. The High Court dismissed the petition and was liberal in not imposing any costs on the petitioner. The petitioner still not satisfied has filed the present petition.

Considering the aforesaid facts and circumstances of the case, as already recorded in the opening paragraph, we deem it appropriate to dismiss the said petition with costs which we quantify at

¹ FIR

² CrPC

Rs.50,000/- to be deposited within four weeks with the Supreme Court Advocates on Record Association Welfare Fund to be utilised for the benefit of the members of the said Association. Proof of such deposit may be submitted to the Registry within six weeks, failing which the Registry will list the matter for further orders.

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

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