

No.R(J)/169/2022

High Court of Karnataka,
Bengaluru,
Date: 21st September 2022

CIRCULAR

The Hon'ble Supreme Court of India had passed the following order on 03.08.2022, in Criminal Appeal No. 1136 of 2022 (@ SLP (CRL.) No.7711 of 2021), the same reads as follows:

ORDER

"Leave granted.

This appeal challenges the interim order dated 21.09.2021 passed by the High Court of Karnataka vide which in a petition filed under Section 482 of the Cr.P.C., the High Court has directed Respondent No.1, i.e. the original accused No.6 to be released on bail.

We have heard Mr. A.N.S. Nadkarni, learned senior counsel appearing for the appellant and Mr. Siddhartha Dave, learned senior counsel for Respondent No. 1 – i.e., the original accused No.6.

Though, arguments have been advanced on merits, we do not find it appropriate to refer to them, in as much as they may adversely affect the rights of the parties.

The appeal deserves to be allowed on the short ground that the High Court has traveled beyond its jurisdiction under Section 482 of the Cr.P.C. by granting bail to Respondent No.1, i.e. the original accused No.6.

We further, find that a practice is followed by Karnataka High Court, in as much as two petitions under Section 482 of the Cr.P.C. filed by the same accused arising out of the same crime have been entertained by two different judges. Normally, all the matters arising out of the same crime or at least where the accused is same, ought to have been listed before the same judge.

It is further to be noted that, though Criminal Petition No. 6969 of 2021 was already pending before the High Court, Criminal Petition No. 7366 of 2021 was filed, wherein there is no reference to filing of the earlier petition.

The Registrar (Judicial) is directed to forward a copy of this order to the Registrar (Judicial) of the Karnataka High Court so that some remedial actions could be taken to avoid such sort of conflicting orders.

We, therefore, allow the appeal, the impugned interim order dated 21.09.2021 is quashed and set aside.

However, taking into consideration that Respondent No.1 has enjoyed the liberty for a period of almost one year on the basis of the impugned order, we grant him two weeks' time to surrender in order to enable him to take recourse to the remedies available in law including filing of bail application.


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

In view of the observations made by the Hon'ble Supreme Court of India in the above referred order, all the

Criminal Petitions filed under Section 482 of Cr.P.C. arising out of the same Crime number shall be posted before the same Bench, so as to avoid conflicting order.

Therefore, all the concerned officers / officials of the Principal Bench and Branches at Dharwad and Kalaburagi Benches (Criminal Branch and Board Branch) to scrupulously follow the decision of the Hon'ble Supreme Court of India and to post all the Criminal Petitions filed under Section 482 of Cr.P.C. arising out of the same Crime number before the same Bench, so as to avoid conflicting order, failing which the matter will be viewed seriously.

BY ORDER OF THE HON'BLE ACTING CHIEF JUSTICE


(JAISHANKAR) 21/9/22
REGISTRAR (JUDICIAL)

COPY TO :

1. The Additional Registrar General, High Court of Karnataka, Dharwad Bench
2. The Additional Registrar General, High Court of Karnataka, Kalaburagi Bench
3. The Deputy Registrar Criminal Branch & Board Branch - for information.
4. The Assistant Registrars/ Section Officers of Criminal Branch & Board Branch - to circulate among all the staff members with an instruction to strictly follow the direction issued by the Hon'ble Court.
5. Office copy.

