

(2024) 10 SC CK 0008

Supreme Court Of India

Case No: Criminal Appeal No.3573 Of 2024 [@ Special Leave Petition (Criminal) No.3945 Of 2022]

Vitthal Damuji Meher

APPELLANT

Vs

Manik Madhukar Sarve & Ors

RESPONDENT

Date of Decision: Oct. 15, 2024

Hon'ble Judges: Dipankar Datta, J; Ahsanuddin Amanullah, J

Bench: Division Bench

Advocate: Mrinal Gopal Elker, Shruti Verma, Manoj K. Mishra, Umesh Dubey, Jeevesh Prakash, Vishal, Madhulika, Amulya Dev, Samrat Krishanrao Shinde, Siddharth Dharmadhikari, Aaditya Aniruddha Pande, Bharat Bagla, Sourav Singh, Aditya Krishna, Preet S. Phanse, Adarsh Dubey

Final Decision: Dismissed

Judgement

1. By way of the captioned defective review petition, the Petitioner seeks review of Judgment dated 28.08.2024 passed in Criminal Appeal No.3573 of

2024 titled Manik Madhukar Sarve & Ors. v Vitthal Damuji Meher &Ors.2 024 INSC 636 | 2024 SCC OnLine SC 2271. Vide the said

judgment [authored by one of us (Ahsanuddin Amanullah, J.)], the Court set aside the grant of bail to the Petitioner (Respondent No.1

in the appeal) and directed him to surrender within three weeks.

2. The jurisprudential contour for a review petition was considered lately in Sanjay Kumar Agarwal v State Tax Officer, (2024) 2 SCC 362. The

present coram has taken note of the same in A S Raghavendra v Bharti Airtel Limited ,Review Petition (Civil) No.1425/2024 ~Non-Reportable

Order dated 24.09.2024. We have kept the principles enumerated therein in mind.

3. A glance at the petition would exhibit that the Petitioner is dissatisfied on his understanding that: observations in Para 26 of the judgment of which review is sought are incorrect and contrary to the record; "later period" or "change in circumstances" has not been specified; relevant precedents have not been considered; "Bail is the Rule, Jail is the exception" (sic) has been ignored; all other arrested accused have been released on bail; etcetera.

4. As to why the Petitioner, in his own words, has been "single(d) out", we need only point towards the well-accepted dicta, reiterated in Sanjay

Dubey v State of Madhya Pradesh 2023 INSC 519, 2023 SCC OnLine SC 610:

"18. It is too well-settled that judgments are not to be read as Euclid's theorems; they are not to be construed as statutes, and; specific cases are authorities

only for what they actually decide. We do not want to be verbose in reproducing the relevant paragraphs but deem it proper to indicate some authorities on this

point - Sreenivasa General Traders v State of Andhra Pradesh, (1983) 4 SCC 353 and Amar Nath Om Prakash v State of Punjab, (1985) 1 SCC 345 - which have

been reiterated, inter alia, in BGS SGS Soma JV v NHPC Limited, (2020) 4 SCC 234, and Chintels India Limited v Bhayana Builders Private Limited, (2021) 4

SCC 602."

(emphasis supplied)

5. The facts of every case vary and are to be judged in their unique perspective. Grant of bail to co-accused would not ipso facto entitle the instant

Petitioner to the same. Moreover, the record indicates that the Petitioner was arrested on 28.04.2021 and granted bail by the High Court on

13.10.2021. Hence, the Petitioner was incarcerated for about 6 months, nay, 5 ½ months only. This cannot be taken as "incarceration for a

significant period of time" as sought to be projected by the Petitioner by relying on Union of India v K A Najeeb, (2021) 3 SCC 713. Further, a

reading of the Judgment dated 28.08.2024 makes it clear that the Court was conscious of the peculiarities of the case, as it was cancelling bail after

almost three years, and that Chargesheet had been filed.

6. The judgment of which review is sought has considered the role ascribed to the Petitioner, including the version in the Chargesheet. To allay the

Petitioner's apprehensions, authorities concerned have been directed to render appropriate care and assistance apropos his medical condition. The calming caveat, that a bail application preferred afresh by the Petitioner shall be considered on its own merits, without prejudice to the cancellation of bail so ordered, also finds place in the Judgment dated 28.08.2024. We do not appreciate the casual averment to the effect that "once bail granted by the Hon'ble High Court is cancelled by this Hon'ble Court, neither the Learned Trial Court nor the Hon'ble High Court would grant bail to the Review Petitioner." The High Court, as also the Trial Court in seisin, have been specifically permitted by this Court to consider the Petitioner's bail application, if and when preferred, "at a later period or in the event of a change in circumstances". The discretion in this context, albeit, to be exercised in accordance with law, of the Court(s) below is left untouched. Nevertheless, if the Petitioner chooses to so apply, while considering such bail plea, the Court concerned need not feel inhibited by observations, if any, against the Petitioner in the Judgment dated 28.08.2024, regard being had to all due factors.

7. Above being the position, a case for review is not discernible. This petition is, thus, dismissed.

8. Crl. M. P. seeking listing of the review petition in Open Court for hearing is rejected.

9. Crl. M. P. seeking exemption from surrendering is dismissed as infructuous, as the period of three weeks granted to the Petitioner to surrender (reckoned from 28.08.2024) has long elapsed.

10. Crl. M. P. seeking permission to file additional documents stands closed.