



ITEM NO.22

COURT NO.7

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.
4928/2024

[Arising out of impugned final judgment and order dated 14-03-2024 in C482 No. 316/2024 passed by the High Court of Uttarakhand at Nainital]

HEENA THAPA

PETITIONER(S)

VERSUS

**CENTRAL BUREAU
OF INVESTIGATION & ORS.**

RESPONDENT(S)

WITH

SLP(Crl) No. 12231/2025 (II-B)

**(IA No. 196147/2025 - EXEMPTION FROM FILING C/C OF
THE IMPUGNED JUDGMENT; IA No. 196148/2025 -
EXEMPTION FROM FILING O.T.; IA No. 196149/2025 -
PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)**

**Date : 28-10-2025 These petitions were called on
for hearing today.**

CORAM :

**HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE PRASANNA B. VARALE**

**For Petitioner(s) Mr. Siddharth Luthra, Sr. Adv.
Mr. Sanjeev Agarwal, AOR
Mr. Ekansh Agarwal, Adv.
Mr. Subhash Chandra, Adv.**

**Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Siddharth Dave, Sr. Adv.**

Mr. Sahil Modi, Adv.
Ms. Harshita Gupta, Adv.
Mr. Abhimanshu Dhyani, Adv.
Mr. Subhash Chandra, Adv.
Ms. Jasmine Damkewala, AOR

Mr. Siddharth Luthra, Sr. Adv.
Mr. Siddharth Dave, Sr. Adv.
Mr. Sahil Modi, Adv.
Ms. Harshita Gupta, Adv.
Mr. Abhimanshu Dhyani, Adv.
Mr. Subhash Chandra, Adv.
Ms. Jasmine Damkewala, AOR

For Respondent(s) Mr. Suryaprakash V Raju, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Annam Venkatesh, Adv.
Mr. Padmesh Mishra, Adv.
Mrs. Meera Patel, Adv.
Mr. Zoheb Hossain, Adv.
Mr. Hitarth Raja, Adv.

Mr. Sanjeev Agarwal, AOR
Mr. Ekansh Agarwal, Adv.
Mr. Subhash Chandra, Adv.

Mr. Abhinay, AOR
Ms. Kirti Vyas, Adv.
Mr. Pranav Gupta, AOR
Mr. Abhishek Dash, Adv.
Mr. Kunal Awana, Adv.

Mr. Dheeraj P Deo, AOR

Mr. Jitender Chaudhary, Adv.
Ms. Shilpa Chohan, Adv.
Mr. R. C. Kohli, AOR

UPON hearing the counsel the Court made the
following
O R D E R

SLP(Crl.) No. 4928/2024

1. Heard learned counsel for the parties.
2. Two FIRs came to be lodged in connection with the illegal grabbing of the land by executing fake sale deeds. The first FIR was lodged on 09.01.2022 being FIR No. 13 of 2022 and the second FIR was lodged on 25.01.2022 being FIR No. 31 of 2022. In respect of both the FIRs, after investigation, the Central Bureau of Investigation('CBI') submitted a common charge sheet dated 28.12.2024.
3. The argument is that in respect of two separate FIRs, a common charge sheet cannot be submitted.
4. We have perused the charge sheet and we find that the petitioner is an Accused No. 13 and she has only been framed/charge sheeted in respect of the second FIR i.e. FIR No. 31 of 2022.
5. In view of the above, it cannot be said that the petitioner has been charge sheeted in respect

of both the FIRs including the first FIR wherein she was not involved at all.

6. In view of the aforesaid facts and circumstances, as the petitioner has only been charge sheeted in respect of the second FIR, we do not consider it to be a fit case to exercise our discretionary jurisdiction under Article 136 of the Constitution of India.

7. The special leave petition, is accordingly, dismissed.

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

SLP(Crl) No. 12231/2025

1. Heard learned counsel for the parties and perused the pleadings.

2. The petitioner is a seventy-two year old citizen and is an accused No.1 in the FIR. He is charge sheeted with the offence of executing sale deed by impersonification. He was arrested on 21.12.2023 and is in jail ever since then. All the

other co-accused persons(16 in number) have already been enlarged on bail. Though charge sheet has been submitted on 28.12.2023 but till date charges have not been framed.

3. Since ninety-five witnesses have been cited and the charges till date have not been framed, it is apparent that the trial is likely to take enough time to complete.

4. In view of the aforesaid facts and circumstances, we consider it proper to enlarge the petitioner on bail.

5. Accordingly, we direct for the enlargement of the petitioner on bail subject to the terms and conditions that may be imposed by the Trial Court including surrendering of the passport of the petitioner, if any, within a week of his release before the Trial Court itself.

6. Mr. Luthra, learned senior counsel appearing for the petitioner has pointed out that the name of the lawyer conducting the case has unnecessarily been mentioned in Paragraph '13' of

the impugned order.

7. After perusing the said paragraph, we are of the view that there was no necessity of mentioning the name of the counsel. Accordingly, the sentence "by one and the same Advocate" shall be expunged.

8. The special leave petition stands disposed of in the above terms.

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)