

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition (Criminal) No.418/2024

MEERA DEVI

Petitioner(s)

VERSUS

STATE (GOVT OF NCT OF DELHI)

Respondent(s)

(IA No. 238410/2024 - EXTENSION OF EX-PARTY STAY)

Date : 29-11-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIHFor Petitioner(s) Mr. Rishi Malhotra, Sr. Adv.
Mr. Prem Malhotra, AORFor Respondent(s) Mr. Rajkumar Bhaskar Thakare, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Chitransh Sharma, Adv.
Mr. Jagdish Chandra Solanki, Adv.
Ms. Soumya Tandon, Adv.
Mr. Chitvan Singhal, Adv.UPON hearing the counsel the Court made the following
O R D E R

Present petition under Article 32 of the Constitution of India was filed by the petitioner on 15th October, 2024. The prayer in this petition is for issuing a writ of mandamus directing consideration of the case of the petitioner for grant of permanent remission. On 21st October, 2024, we issued notice in this petition and passed the following order:

"Issue notice returnable on 29th November, 2024.
In the meanwhile, we extend the time granted to the petitioner to surrender.

Liberty is granted to serve the standing counsel for the respondent, in addition.”

Today, Mr. Rajkumar Bhaskar Thakare, learned A.S.G. has tendered across the bar copies of two orders passed by the High Court of Delhi. The first order is dated 16th October, 2024 passed by the High Court in Writ Petition (Crl.) No.3220 of 2024 filed by the petitioner. By the said order, while issuing notice on the writ petition, the Delhi High Court granted time of two weeks to the petitioner to surrender. Liberty was also granted to the petitioner to apply for parole.

Order dated 16th October, 2024 passed by the Delhi High Court was not brought to our notice when we issued notice on 21st October, 2024 and granted extension of time to the petitioner to surrender. On 16th October, 2024, the Delhi High Court without granting any interim relief had granted time of two weeks to the petitioner to surrender. If the order dated 16th October, 2024 would have been brought to notice of this Court on 21st October, 2024, the order passed by this Court would not have been passed. There is something further to it. A copy of order dated 5th November, 2024 passed by the Delhi High Court in the same petition is placed on record. Paragraphs 1 to 3 of the order dated 5th November, 2024 reads thus:

“1. Mr. Sood, learned senior counsel for the petitioner submits that there has been some confusion in regard to the date of surrender.

2. He submits that the Hon’ble Apex Court had granted three weeks time to the petitioner to surrender which was stated to expire on 21.10.2024.

3. He further submits that this Court, by order dated 16.10.2024, had permitted the petitioner to

surrender within two weeks and the petitioner was of the opinion that she has to surrender within two weeks after the time to surrender granted by the Hon'ble Apex Court expires."

Thereafter, the High Court extended the time granted to the petitioner till 8th November, 2024. After 21st October, 2024, the petition is listed today. Even today, the petitioner has not pointed out to this Court the fact that a writ petition for same relief was filed in the Delhi High Court in which the aforesaid two orders were passed. The orders are placed on record by learned A.S.G. Prima facie, it appears to us that a stringent action will have to be taken against the petitioner for suppression of facts including the action under the Contempt of Courts Act, 1971. We, therefore, issue notice to the petitioner calling upon the petitioner to explain her conduct.

A copy of this order shall be forwarded along with notice to the petitioner. We direct the petitioner to surrender immediately, if she has not surrendered so far.

The notice is made returnable on 16th December, 2024. We direct the Delhi State Legal Services Authority to appoint an Advocate to espouse the cause of the petitioner. The Advocate so appointed shall be permitted to meet the petitioner in prison. The Advocate will explain to the petitioner the position in which she has landed. The Advocate appointed shall file an affidavit of the petitioner before this Court explaining her conduct. She must disclose on whose advice she filed two proceedings.

If the petitioner does not surrender by tomorrow i.e. 30th November, 2024, we direct the State Police to immediately take her

into custody.

A copy of this order shall also be forwarded to the Delhi State Legal Services Authority.

(KAVITA PAHUJA)
AR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)