

**Court No. - 10**

**Case :-** APPLICATION U/S 482 No. - 9268 of 2022

**Applicant :-** Arvind Kejriwal

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Lko. And Another

**Counsel for Applicant :-** Manmohan Singh, Anjani Kumar Mishra, Sheeran Mohiuddin Alavi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Dinesh Kumar Singh, J.**

1. Heard Sri H.G.S. Parihar, learned Senior Counsel assisted by S/Sri Nadeem Murtaza, Anjani Kumar Mishra, Sheeran Mohiuddin Alavi, learned counsel for the petitioner and Sri Rao Narendra Singh, learned AGA.
2. Notice on behalf of opposite party no.1 has been accepted by Sri Rao Narendra Singh, learned AGA.
3. Petitioner is National Convener of Aam Admi Party (AAP) and currently holding the post of Chief Ministership of NCT of Delhi.
4. This is the second petition under Section 482 Cr.P.C., which has been filed impugning the order dated 25.10.2021 passed by the learned Special Judge (MP/MLA Court)/Additional Sessions Judge, Court No.9, Sultanpur in Special Case No.600 of 2019, arising out of Crime No.367 of 2014, under Sections 143, 186, 188, 341, 353 and 171-G IPC, Police station Gauriganj, District Amethi, whereby the learned trial court has framed charges against the petitioner.
5. Earlier, the petitioner had approached this Court in a petition under Section 482 Cr.P.C. bearing No.6779 of 2016 challenging the order dated 7.10.2016 passed by the learned Additional Chief Judicial Magistrate-VI, Court No.22, Sultanpur, whereby the petitioner's request for exemption was rejected and cognizance was taken on 13.4.2016 and he was summoned to

face the trial. This Court, however, dismissed the said petition vide judgement and order dated 21.10.2016.

6. The petitioner had challenged the said judgement and order dated 21.10.2016 passed by this Court before the Supreme court in Special Leave to Appeal (Criminal) No.8382 of 2016. The Supreme Court vide order dated 27.10.2016 had issued notices and exempted the appearance of the petitioner to the trial court until further orders.

7. Sri H.G.S. Parihar, learned Senior Counsel for the petitioner submits that the said Special Leave to Appeal (Criminal) is still pending and if the trial is allowed to proceed and in the eventuality the Special Leave to Appeal being allowed, then the whole proceedings would be a futile exercise.

8. Considering the aforesaid submissions, this Court is of the view that it would be appropriate to pass an interim order keeping the proceedings of Special Case No.600 of 2019, arising out of Crime No.367 of 2014, under Sections 143, 186, 188, 341, 353 and 171-G IPC, Police station Gauriganj, District Amethi, pending before the learned Special Judge (MP/MLA Court)/Additional Sessions Judge, Court No.9, Sultapnpur, in abeyance till the next date of listing of this petition.

9. Order accordingly.

**10. List this petition on 13.1.2023.**

11. In the meantime, learned AGA may file response/counter affidavit to this petition.

**Order Date :- 12.12.2022**

Rao/-