



IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

REVIEW PETITION (CRIMINAL) [DIARY] NO.41376 OF 2024

IN

CRIMINAL APPEAL NO.3573 OF 2024

[@ SPECIAL LEAVE PETITION (CRIMINAL) NO.3945 OF 2022]

VITTHAL DAMUJI MEHER

...PETITIONER

versus

MANIK MADHUKAR SARVE & ORS.

...RESPONDENTS

O R D E R

DIPANKAR DATTA & AHSANUDDIN AMANULLAH, JJ.

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.*¹ Vide the said judgment [authored by one of us (Ahsanuddin Amanullah, J.)], the Court set aside the grant of bail to the Petitioner

¹ 2024 INSC 636 | 2024 SCC OnLine SC 2271.

(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***². 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***³, 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

² Non-Reportable Order dated 24.09.2024.

³ 2023 INSC 519.

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.

.....J.
[DIPANKAR DATTA]

.....J.
[AHSANUDDIN AMANULLAH]

NEW DELHI
OCTOBER 15, 2024