

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1363 OF 2017

[@ SPECIAL LEAVE PETITION (CRL) NO. 687 OF 2016]

DILIPKUMAR

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The limited grievance of the appellant is with regard to the directions granted by the High Court to recover an amount of Rs.10,00,000/- (Rupees Ten Lacs) from the appellant. This Rs.10,00,000/- (Rupees Ten Lacs) represents the costs awarded by this Court in Civil Appeal No.2374/2010.

3. The appellant had approached the High Court for anticipatory bail under Section 438 Cr.P.C. While considering the application, the High Court went into various other aspects and also came to the conclusion that the appellant should be made liable for the costs awarded by this Court in Civil Appeal No.2374/2010.

4. Mr. Siddharth Luthra, learned senior counsel appearing for the appellant submits that as far as the appellant is concerned, there is no need for protection under Section 438 Cr.P.C. since he had actually been granted regular bail after arrest, by the High Court.

5. We are afraid, the High Court has gravely gone wrong in passing an order for recovery of the said amount. It was not an issue arising in the case. That apart, it was not for the High Court to collaterally consider and decide who should be made liable for the costs awarded by this Court in a different case.

6. Therefore, this appeal is allowed and the order regarding recovery of Rs.10,00,000/- (Rupees Ten Lacs) from the appellant is vacated.

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

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
AUGUST 09, 2017.