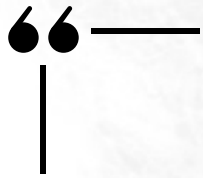


## Constitutional Bench Update

### Sukhpal Singh Khaira v. State of Punjab

### Power of Court under Section 319 CrPC





## **Bench**

**Justices S. Abdul Nazeer,  
B.R. Gavai, A.S. Bopanna,  
V. Ramasubramanian,  
B.V. Nagarathna**

**Case Admitted on  
November 20, 2017**

**Last Date of Hearing  
September 28, 2022**

**Next Date of Hearing  
November 15, 2022**



# Background

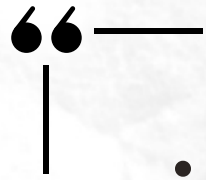


- **March 5, 2015:** FIR was filed against eleven accused for the offences under NDPS Act, Arms Act and Information Technology Act. The Appellants were not charged in the charge sheets filed by the Police
- **July 31, 2017:** Prosecution filed an application under Section 311 of CrPC for recalling witness, who named the Appellants as accused
- Thereafter, the prosecution filed an application under Section 319 of CrPC for summoning additional five accused including Appellants by placing reliance on statements of recalled witnesses





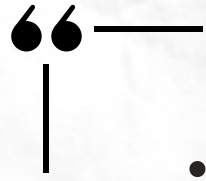
# Background



- **October 31, 2017:** Sessions Court pronounced the judgment, convicting nine accused in the trial
- The Appellants filed Criminal Revision Petitions challenging the summoning order of the Sessions Court which was dismissed by the High Court
- Aggrieved by the order of Punjab and Haryana High Court, the Appellants approached the Supreme Court through SLPs
- **May 10, 2019:** Considering the issues in the case, the two judge bench of the Supreme Court ordered for the case to be placed before an appropriate larger bench



# Issues under Consideration

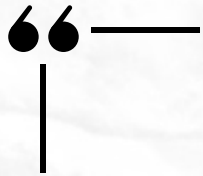


- Whether trial court has power under Section 319 of CrPC for summoning additional accused when trial with respect to other co-accused has ended and judgment of conviction rendered on the same date before pronouncing the summoning order?
- Whether trial court has power under Section 319 of CrPC for summoning additional accused when the trial in respect of certain other absconding accused (whose presence is subsequently secured) is ongoing/pending, having been bifurcated from main trial?





# Issues under Consideration



- What are the guidelines that competent court must follow while exercising power under Section 319 CrPC?



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+91-120-4014524



[contact@manupatra.com](mailto:contact@manupatra.com)