

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE/INHERENT JURISDICTION**

CRL.M.P. NOS. 8635-8636/2016 IN R.P.(CRL.) NO. 337/2006
IN SLP (CRL) NO. 3323/2006

DNYANESHWAR SURESH BORKAR

APPLICANT(S)/APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

NON-APPLICANT(S)/RESPONDENT(S)

O R D E R

1. This is a case where the special leave petition against the imposition of capital punishment was dismissed in limine.

2. We have heard Mr. Anand Grover, learned senior counsel appearing for the review petitioner/applicant and Mr. Nishant R. Katneshwarkar, learned counsel appearing for the State, who has graciously submitted that the State has no objection if the order of dismissal in limine is recalled, leave is granted in the special leave petition and the matter being heard

on merits.

3. Therefore, the orders dated 30.11.2006 passed in Review Petition (Cr1) No.337/2006 in SLP (Cr1) No.3323/2006 and order dated 21.07.2006 passed in SLP (Cr1) No.3323/2006 are recalled.

4. Delay in filing the application for reopening of review petition is condoned.

5. Application for reopening of review petition is, accordingly, disposed of.

6. The special leave petition is taken on Board.

7. Leave is granted in the special leave petition.

8. We are informed that the appellant has been in custody for over seventeen years. Therefore, we direct the Registry to post this appeal for hearing in the first week of February, 2019.

9. The Registry is directed to call for the records from the High Court/Trial Court forthwith so that the records are in court at the time of final hearing.

10. The Registry is also directed to serve a copy each on the advocates-on-record for the appellant as well as the respondent.

11. We make it clear that the order on suspension of death sentence will continue to operate till the disposal of this appeal.

12. Post the matter before a Bench of which one of us
(A.M. Khanwilkar, J.) is not a member.

.....J.
[KURIAN JOSEPH]

.....J.
[A.M. KHANWILKAR]

.....J.
[DR. DHANANJAYA Y. CHANDRACHUD]

NEW DELHI;
NOVEMBER 12, 2018.

ITEM NO.301

COURT NO.3

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRL.M.P. NOS.8635-8636/2016 IN R.P.(CRL.) NO. 337/2006
IN SLP (CRL) NO. 3323/2006

DNYANESHWAR SURESH BORKAR

APPLICANT(S)/PETITIONER

VERSUS

THE STATE OF MAHARASHTRA

NON-APPLICANT(S)/RESPONDENT(S)

(FOR RE-OPENING OF REVIEW PETITION ON IA 8635/2016 FOR C/D IN
FILING APPLICATION FOR RE-OPENING OF REVIEW PETITION ON IA
8636/2016)

Date : 12-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Anand Grover, Sr. Adv.
Mr. Shadan Farasat, AOR
Mr. Rudrakshi Deo, Adv.
Mr. Yash S. Vijay, Adv.
Ms. Tripti Tandon, Adv.
Mr. Himanshu Agarwal, Adv.
Mr. Anshu Raj Singh, Adv.
Ms. Aarushi Mahajan, Adv.
Mr. Samyak Gangwa, Adv.

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR
Ms. Deepa Kulkarni, Adv.
Ms. Suvarna Ganu, Adv.
Mr. Anoop Kandari, Adv.

UPON hearing the counsel the Court made the following
O R D E R

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11. We make it clear that the order on suspension of death sentence will continue to operate till the disposal of this appeal.

12. Post the matter before a Bench of which one of us (A.M. Khanwilkar, J.) is not a member.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)