

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

SPECIAL LEAVE PETITION (CRIMINAL)..... Diary No(s).73496/2025

[Arising out of impugned final judgment and order dated 26-09-2025 in CRLR No.1504/2023 passed by the High Court of Madhya Pradesh at Gwalior]

NIHAL SINGH

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(IA No.336949/2025 - EXEMPTION FROM SURRENDERING WITHIN TIME, IA No.336950/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
(VACATION BENCH)

For Petitioner(s) :Mr. Yadunandan Bansal, Adv.
Dr. Yashpal Sharma, Adv.
Mr. Anand Gour, Adv.
Ms. Surabhi Sanchita, AOR
Mr. Abdul Qadir, Adv.

For Respondent(s) :

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

1. The petitioner is an elected Sarpanch of Gram Panchayat, Maanpur, Tehsil Joura, District Morena, Madhya Pradesh. He has been convicted in a Criminal Case No.480/2008 under Sections 325/149 and 147 of the Indian Penal Code, 1860 and sentenced to two years rigorous imprisonment along with a fine of Rs. 500/-. His co-accused have also been convicted along with him. The appeal preferred by the petitioner was dismissed by the Sessions Judge,

Morena, *vide* judgment dated 17.02.2023. The petitioner has filed Criminal Revision No. 1504/2023 before the High Court of Madhya Pradesh at Gwalior against the dismissal of his appeal by the Sessions Court. Pending that revision, it appears that the petitioner sought an exemption from surrendering. A formal application to this effect is stated to have been moved by him. The High Court, however, citing the provisions of the Madhya Pradesh High Court Rules, 2008, directed the petitioner that unless he surrenders before the Trial Court, the criminal revision cannot be heard.

2. The aggrieved petitioner has approached this Court. A feeble attempt has been made to challenge the *vires* of Madhya Pradesh High Court Rules also.

3. As regards the constitutionality of the Rules, we are not inclined to entertain such collateral prayer in these proceedings. The petitioner, if so advised, may avail the remedy in accordance with the law in that regard.

4. So far as the surrendering of the petitioner as a condition precedent for hearing his criminal revision before the High Court, it seems to us that ends of justice will be adequately met with by granting exemption to the petitioner from surrendering for a period of eight weeks. Ordered accordingly.

5. Meanwhile, the High Court is requested to take up the application filed by the petitioner seeking exemption from surrendering. While considering that application, the High Court may sympathetically keep in view the fact that, in the event the petitioner would be required to surrender, there will be a

probability of his suspension from the public office to which he has been elected by the majority of the villagers.

6. With these observations, the special leave petition stands disposed of.

7. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR