

ITEM NO.23

Court 9 (Video Conferencing)

SECTION II

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s).3795/2021

(Arising out of impugned final judgment and order dated 15-04-2019 in CRLMTBA No. 90443/2009 passed by the High Court Of Judicature At Allahabad)

VIJENDRA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.59521/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59522/2021-EXEMPTION FROM FILING O.T.)

WITH

SLP(Cr1) No. 3798/2021 (II)

(FOR ADMISSION and I.R. and IA No.59551/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59552/2021-EXEMPTION FROM FILING O.T. and IA No.59553/2021-EXEMPTION FROM FILING AFFIDAVIT)

SLP(Cr1) No. 3592/2021 (II)

(FOR ADMISSION and I.R. and IA No.59797/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59798/2021-EXEMPTION FROM FILING AFFIDAVIT)

SLP(Cr1) No. 3797/2021 (II)

(FOR ADMISSION and I.R. and IA No.59440/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59442/2021-EXEMPTION FROM FILING O.T.)

SLP(Cr1) No. 3799/2021 (II)

(FOR ADMISSION and I.R. and IA No.60265/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60266/2021-EXEMPTION FROM FILING O.T. and IA No.60267/2021-APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT)

SLP(Cr1) No. 3796/2021 (II)

(FOR ADMISSION and I.R. and IA No.60345/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60346/2021-EXEMPTION FROM FILING O.T. and IA No.60348/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 21-05-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Nagendra Singh, Adv.
Dr. Sanjay Gupta, Adv.
Ms. Akanska, Adv.
Ms. Nandini Tomar, Adv.
Mr. Ronak Karanpuria, AOR

For Respondent(s) Mr. Vikas Bansal, Adv.
Mr. Vishnu Shankar Jain, AOR

Mr. Sarvesh Singh Baghel, AOR
Ms. Shivranjani Ralawata, Adv.

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

While issuing notice on 11.05.2021, this Court had passed the following order:

"SPECIAL LEAVE PETITION (CRIMINAL) Diary
No.11179/2021

Petitioner, Vijendra has been convicted by the trial court under Sections 302/149 and 148 of the Indian Penal Code, 1860 and sentenced to suffer rigorous imprisonment for life, with imposition of fine of Rs.10,000/- and default sentence. The appeal preferred by the petitioner is pending before the High Court since 2009. He has completed the sentence of 14 years 1 month 28 days.

SPECIAL LEAVE PETITION (CRIMINAL) Diary
No.11385/2021

Petitioner, Raj Kumar @ Kaluwa has been convicted by the trial court under Sections 147, 148, 404, 411, 506 and 302/149 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 and sentenced to suffer rigorous imprisonment for life, with certain other terms of imprisonment, with imposition of fine and default sentence. The appeal preferred by the petitioner is pending before the High Court since 2010. He has already undergone imprisonment of 12 years 8 months 5 Days.

SPECIAL LEAVE PETITION (CRIMINAL) No.3592/2021

Petitioner, Virender has been convicted by the trial court under Sections 302/149 and 148 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 and sentenced to suffer rigorous

imprisonment for life, with imposition of fine and default sentence. The appeal preferred by the petitioner is pending before the High Court since 2010. He has completed the imprisonment of 11 years.

SPECIAL LEAVE PETITION (CRIMINAL) Diary
No.11189/2021

Petitioner, Kamal Singh has been convicted by the trial court under Sections 304B, 498-A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, and sentenced to suffer rigorous imprisonment for life, with certain other terms of imprisonment for other offences and imposition of fine and default sentence. The appeal preferred by the petitioner is pending before the High Court since 2014. He has already undergone imprisonment of 10 years 8 months and 29 days.

SPECIAL LEAVE PETITION (CRIMINAL) Diary
No.11475/2021

Petitioner, Banti @ Upendra Krishna Pathak has been convicted by the trial court under Sections 302/34, 364A and 201 of the Indian Penal Code, 1860 and sentenced to suffer rigorous imprisonment for life, with other terms of imprisonment for other offences, with imposition of fine and default sentence. The appeal preferred by the petitioner is pending before the High Court since 2017. He has already undergone imprisonment of 10 years 2 months and 3 days.

SPECIAL LEAVE PETITION (CRIMINAL) Diary
No.11389/2021

Petitioner, Uday Vir has been convicted by the trial court under Sections 302/34, and sentenced to suffer rigorous imprisonment for life, with imposition of fine and default sentence. The appeal preferred by the petitioner is pending before the High Court since 2007. He has already undergone imprisonment for 15 years 8 months and 13 days. It is submitted by the learned counsel that the applications preferred by all these petitioners for relief under Section 389 of the Code of Criminal Procedure, 1973 having been rejected by the High Court, the present Special Leave Petitions have been preferred.

Delay condoned.

Issue notice, returnable on 21.05.2021.

Let these Special Leave Petitions be listed before the learned Vacation Bench of this Court.

Dasti service, in addition, is permitted.

Liberty is granted to serve the learned Standing Counsel for the State."

Learned counsel for the respondent fairly stated that the period of sentence undergone by the petitioners, as stated in the aforesaid order, is correct. It is also stated that the appeal(s) are pending before the High Court and there is no date fixed for hearing.

Considering the fact that the petitioners, in each case, have already undergone more than 10 years of actual sentence and there is not much likelihood of the hearing of the appeals in near future, we direct that the petitioners be enlarged on bail on such terms and conditions as may be imposed by the Trial Court.

The Special Leave Petitions stand disposed of accordingly.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)