

ITEM NO.3

COURT NO.2

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) Nos.1707-1708/2022

(Arising out of impugned final judgment and order dated 07-01-2020 in CRLJA No.64/2019, 07-01-2020 in CRLR No.02/2019 passed by the High Court Of Uttarakhand At Nainital)

JAI PRAKASH

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND

Respondent(s)

(FOR ADMISSION and I.R.; and, IA No.26719/2022 - FOR EXEMPTION FROM FILING O.T.)

Date : 02-03-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Ranji Thomas, Sr. Adv.  
Ms. Minakshi Vij, AOR  
Mr. Manish Shankar Srivastava, Adv.

For Respondent(s)

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

Leave granted.

Issue notice of lodgment of appeal to the State of Uttarakhand, returnable on 04.05.2022.

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

Pending further consideration, the effect and operation of death sentence awarded to the appellant shall remain stayed. Let an intimation in this regard be sent to the concerned prison immediately.

The Registry is directed to summon the trial Court record immediately. After receipt of the record, the Registry shall, after digitizing the same, share soft copy thereof with the learned counsel appearing for the parties.

We have passed certain directions in *Manoj v. State of Madhya Pradesh* [Criminal Appeal Nos.248-250 of 2015] and in some other death sentence matters which directions were passed after conclusion of the arguments on the issue of conviction. However, the assessment as regards conduct of the accused, if made in advance before the learned counsel for both sides advance their submissions, will be helpful in every respect.

In order to have complete assistance in the matter, We direct as under:

1. The respondent-State shall place before us the Report(s) of all the Probation Officer(s) relating to the accused/appellant before the next date of hearing. In case there have been more than one Report, let all Reports be placed for the consideration of this Court.

2. We direct that the Report of the Jail Administration about the nature of the work done by the appellant while in jail be placed before this Court on or before 25.04.2022.
3. We also feel that the interest of justice dictates that we obtain a psychological evaluation of the appellant.

We direct the Director, All India Institute of Medical Sciences, Rishikesh, Uttarakhand to constitute a suitable team for psychological evaluation of the accused/appellant in this case and send a report on or before 25.04.2022.

4. The Jail Authorities, District Jail Suddhowala, Dehradun, Uttarakhand, where the appellant is presently lodged, shall render complete co-operation in facilitating access to and due evaluation of the appellant in all respects.

The Registry shall send due intimation to the concerned authorities immediately.

Let the report(s) be placed before this Court on or before 25.04.2022.

List the matter for further consideration on 04.05.2022.

(MUKESH NASA)  
COURT MASTER

(RAM SUBHAG SINGH)  
BRANCH OFFICER