

ITEM NO.33

COURT NO.13

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 (Crl.) No.3199/2021**

**(Arising out of impugned final judgment and order dated 24-03-2021 in CRLR No. 782/2021 passed by the High Court of Judicature at Allahabad)**

RAM JANAM YADAV &amp; ORS.

**Petitioner(s)**

**VERSUS**

THE STATE OF U.P. &amp; ANR.

**Respondent(s)**

**(IA No. 53974/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT**

**IA No. 53975/2021 - EXEMPTION FROM FILING O.T.**

**IA No. 53973/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Date : 01-08-2022 These matters were called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE B.R. GAVAI  
 HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA**

**For Petitioner(s)** Mr. S. Nagamuthu, Sr. Adv.  
 Mr. Konark Tyagi, AOR  
 Deepayan Mandal, Adv.  
 Kaustubh Shukla, Adv.  
 Mr. Rahul Shyam Bhandari, Adv.

**For Respondent(s)** Ms. Srishti Singh, AOR

Mr. Nirmal Kumar Ambastha, AOR  
 Ashmita Bisarya, Adv.

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

1. The Division Bench of this Court in the case of Jogendra Yadav and Ors. Vs. State of Bihar and Anr., reported in (2015) 9 SCC 244 has taken a view that if an accused person is proceeded in view of the provisions under Section 319 of the Criminal Procedure Code, 1973 ("the Code"), he would not be entitled to file an application

for discharge under Section 227 of the Code.

2. Mr. S. Nagamuthu, learned Senior Counsel for the petitioners has submitted that the said view is not a correct view in law.

3. We are, therefore, of the view that it will be appropriate to examine the correctness of the said proposition. We, therefore, request Mr. Ranjit Kumar, learned Senior Counsel to assist us as an *Amicus Curiae* in this matter.

4. Mr. Ranjit Kumar, learned Senior Counsel has accepted our request.

5. The Registry is directed to supply the copy of the paper-book to the learned *Amicus Curiae*.

6. List the matter on 10<sup>th</sup> August, 2022.

(NEHA GUPTA)  
SENIOR PERSONAL ASSISTANT

(ANJU KAPOOR)  
COURT MASTER (NSH)