

ITEM NO.16

COURT NO.1

SECTION II

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.35524/2019

(Arising out of impugned final judgment and order dated 09-10-2017 in CRLA No.1183/2017 passed by the High Court of Judicature at Allahabad)

KHURSHEED AHMAD

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(With appln.(s) for c/delay in filing SLP, exemption from filing O.T. and interim relief)

Date : 04-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.  
Mohd. Abrar Khan, Adv.  
Mr. Rajesh Inamdar, Adv.  
Mr. Javedur Rahman, Adv.  
Mr. Aditya Bhat, Adv.  
Mr. Ashwin G. Raj, Adv.  
Mr. Amarjeet Singh, AOR

For Respondent(s) Mr. Tushar Mehta, SG

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

We would like Shri Tushar Mehta, learned Solicitor General of India to assist the Court in evolving, if possible, solutions to the problem that the present case confronts the Court with, which is summarized below.

The accused, who has been convicted under Section 302 IPC and whose appeal is pending before the High Court, has been refused bail by the High Court pending hearing of the appeal. The appellant is in custody for over three years. The appeal before the Allahabad High Court is not likely to be heard immediately unless an order of expeditious hearing is passed either by this Court or by the High Court. No order of expeditious hearing ought to be passed by any court without good and cogent grounds as the same may affect other litigants whose appeals are similarly pending. Yet, at the same time, the inability of the High Court, for reasons beyond its control, to bring the criminal appeal(s) to an early conclusion should not result in a situation where the accused persons are to be released on bail on the aforesaid ground. All these questions would require due consideration.

List the matter on 8<sup>th</sup> November, 2019.

(Chetan Kumar)  
A.R. -cum-P.S.

(Anand Prakash)  
Court Master