

ITEM NO.27

Court 6 (Video Conferencing)

SECTION X

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

Writ Petition(s)(Criminal) No(s). 343/2020

VIRENDRA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR IA No.113285/2020-GRANT OF BAIL and IA No.113286/2020-
EXEMPTION FROM FILING O.T.)

Date : 18-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Z U Khan, Adv.
Mr. Sulaiman Mohd Khan, Adv.
Mrs. Taiba Khan, Adv.
Mr. Ashish Choudhury, Adv.
Mr. Rohit Amit Sthalekar, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The petitioner has, under Article 32 of the Constitution, prayed for a direction for expeditious disposal of criminal appeal (No. 3563/2004) pending in the High Court. It is submitted that the petitioner is in jail for last 21 years without remission.

From the facts which have been brought on record, it appears that the application for suspension of the sentence and grant of bail was heard by the High Court on 30.01.2013 and disposed of for want of prosecution.

The criminal appeal was filed by the petitioner in 2004 and the High Court on 19.07.2004 directed the bail application be heard

after receipt of the record. It appears that the bail remained pending from 2004 to 2013 and was disposed of for want of prosecution. Thereafter, several dates were fixed for hearing of the appeal but could not be heard till date.

Learned counsel for the petitioner submits that the petitioner, being in jail for 21 years, should be released on bail .

We are of the view that in the facts of the present case, ends of justice be served in giving the liberty to the petitioner to make a fresh application for suspension of sentence and grant of bail before the High Court in the pending criminal appeal. We observe that in event the bail application is filed, the same shall be considered forthwith by the High Court.

The criminal appeal being pending in the High Court, we are not inclined to entertain this petition under Article 32 of the Constitution.

The writ petition is accordingly dismissed with aforesaid liberty. We expect that from the date, the bail application is filed, the same shall be decided at an early date preferably within a period of one month.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
COURT MASTER