



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 540/2022
(@ SLP [CRL.] NO.1378/2022)

BRIJESH KUMAR @ RAMU

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

O R D E R

Leave granted.

It has happened in Allahabad High Court once again!

The bail application of the appellant was rejected by the order dated 12.12.2019 stating that the paper books should be prepared within two weeks and case be listed immediately thereafter for hearing. We are informed that thereafter three times appellant had moved the application for listing and it was listed on 25.10.2021 and was not taken up. Thus, orders which instead of examining bail merely rejected on the ground that the appeal itself should be heard appears to serve no purpose because of the large number of appeals pending in the Allahabad High Court. The approach to bail matters is causing a further strain on the Court. This is not the only case of this kind which we have seen.



As on date the appellant has undergone more than 14 years of actual sentence and 16 years with remission while the appeal is pending for seven years. Even if the date of the order of the High Court is taken into account which is about a little more than two years ago, the appellant would have spent about 12 years in custody by then and if the appeal is pending, we see no reason why in this kind of a single incident case, bail should not be granted.

We really cannot appreciate the approach of the High Court in rejecting the bail application with a simple sentence that the appeal should be heard while hearing of the appeal looks almost an impossibility.

Insofar as the aspect of remission is concerned, we are informed that 16 years actual sentence and 20 years with remission is the period before which the case of remission of sentence is taken up. In this behalf in some other proceedings, Ms. Aishwarya Bhati, learned ASG had assured that due to election process it was not possible to take up the revisiting of the policy but post election, the needful would be done.

We expect the State to examine this issue more so in the context of policies as prevalent



in other States and the huge backlog of the criminal cases in the State of Uttar Pradesh both at the trial and High Court stage as also the fact that the appeals are not taken up for hearing for years together. Thus if a practical approach is adopted by the State to see at least the remission is examined after 14 years of actual sentence, some of these appellants may be satisfied with that aspect itself instead of prosecuting the appeal.

We have thus no hesitation in setting aside the impugned order and opining that this is a incorrect approach being adopted and we grant bail to the appellant on terms and conditions to the satisfaction of the trial Court.

Insofar as the aspect of remission of sentence is concerned, the case of the appellant can be examined once the policy has been revisited and if the appellant falls within the policy.

The appeal is allowed in the aforesaid terms.

We require the order to be placed before Hon'ble the Chief Justice of the Allahabad High Court and also to be circulated to the Hon'ble Judges of the Allahabad High Court so that we can see some change in the approach which, apart



from providing succor to the people in long detention, would prevent unnecessary load coming on to this Court.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[M.M.SUNDRESH]

NEW DELHI,
APRIL 01, 2022.



ITEM NO.34

Court 6 (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 (Crl.) No(s). 1378/2022

(Arising out of impugned final judgment and order dated 12-12-2019 in CRLMA No. 132458/2017 in Criminal Appeal No. 1585/2014 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

BRIJESH KUMAR @ RAMU

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH
(FOR ADMISSION and I.R.)

Respondent(s)

Date : 01-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Aarif Ali Khan, Adv.
 Mr. Rizwan Ahmad, Adv.
 Mr. Danish Sher Khan, adv.
 Mr. Mujahid Ahmad, Adv.
 Mr. Mrinal Kumar Sharma, Adv.
 Mohd. Irshad Hanif, AOR.

For Respondent(s) Mr. Adarsh Upadhyay, AOR
 Mr. Pranjal Sharma, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appellant is granted bail on terms and conditions to the satisfaction of the trial Court.

The appeal is allowed in terms of the signed order.

The order to be placed before Hon'ble the Chief Justice of the Allahabad High Court and also to be circulated to the Hon'ble Judges of the Allahabad High Court.

[CHARANJEET KAUR]
 ASTT. REGISTRAR-cum-PS

[POONAM VAID]
 COURT MASTER (NSH)

[Signed order is placed on the file]