

Court No. - 50

Case :- CRIMINAL APPEAL No. - 2833 of 1984

Appellant :- Yousuf

Respondent :- State Of U.P.

Counsel for Appellant :- Dharm Pal Singh

Counsel for Respondent :- A.G.A

Hon'ble Mrs. Vijay Lakshmi,J.

In compliance of the order dated 11.1.2018 the appellant Yusuf is present before this Court in custody who has been brought by Con. 270 Santosh Upadhyay, Con. 1040 Mahendra Pratap, Con. 970 Virendra Singh, Con. 313 Sanjay Sahu and Con. 973 Dhirendra Pratap and has been duly identified by his counsel Sri A.K. Ojha who has filed his Pracha today on behalf of the appellant which is taken on record.

Learned counsel for the appellant has submitted that the appellant was enlarged on bail on 10.10.1984 and thereafter the case was never taken up/listed before the Court. He had no idea about the date fixed in the case. As his counsel could not appear before the Court, non bailable warrant was issued against him and he is present before this Court. Learned counsel has assured the Court that he will argue this appeal on the date fixed for final hearing. However, the appellant who is in jail be released on bail.

A fresh bail application has been moved by learned counsel for the appellant.

Learned A.G.A. has opposed the bail application but he has fairly conceded that if learned counsel for the appellant is ready to argue the appeal, which is pending since the year 1984, he has no objection.

Keeping in view the facts and circumstances, the court is of the view that the appellant be released on bail.

Let the appellant **Yusuf**, who has been convicted and sentenced in **S.T. No. 103 of 1984**; State Vs. Yusuf, arising out of Case Crime no. 226 of 1981, under Section 304 I.P.C., Police Station G.R.P., Mathura, District Mathura, be released on bail on his furnishing a personal bond with two reliable sureties each in the like amount to the satisfaction of the Court concerned.

As per office report dated 21.11.2016, the lower courts' record has never been summoned.

Summon the lower court's record.

Office is directed to send a request letter to the District Judge, Mathura by FAX for sending the lower court's record by special messenger so as to reach to the office of this Court within a period of two weeks as the matter is very old.

Office is further directed to prepare the paper book immediately after receiving the lower courts' record and to supply its copies to learned counsel for the appellant and learned A.G.A. as per Rules.

List for final hearing on 21.3.2018.

Order Date :- 27.2.2018
S.B.