

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

RECORD OF PROCEEDINGS

CRLMP.NO. 4954/2006 in CRIMINAL APPEAL NO(s). 409 OF 2004

BRIJ BIHARI SINGH Appellant (s)

VERSUS

STATE OF U.P. Respondent(s)

(With appln(s) for recall/modification of Court's Order dt.06.02.2006 and office report )

Date: 11/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s) Mr.J.P.N.Gupta, Adv.(A.C.)
Mr.Pankaj Kr.Singh, Adv.
Mr.G.S.Rao, Adv.

For Respondent(s) Mr.Aarohi Bhalla, adv.
for Mr.Anuvrat Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioner, by this Criminal Miscellaneous Petition, seeks recall/modification of this Court's order dated 06.02.2006 by which we dismissed the appeal. The petitioner was released on remission by the Governor of U.P. on 26th January, 2000, while undergoing imprisonment. But at that time, he had not completed 14 years of imprisonment. In series of matters, we had released prisoners who were earlier released on remission and later arrested pursuant to the judgment of the Division

Bench of the High Court of U.P. in Mirza Mohammad Husayn Vs. State of U.P. case. The petitioner

herein alleges that we had released persons who had not completed 14 years as on 26th January, 2000,

and relied on the order passed by this Court in Ram Surat & Anr. Vs. State of U.P., CrI.A. No.916 OF

2004, decided on August 20, 2004. In that case, though the order does not mention the period undergone

by the appellant as on 26th January, 2000, the report submitted by the counsel for the State, which is

Annexure A/1 in that case, shows that Ram Surat, S/o.Chandrabali had undergone imprisonment for 20

years 5 months and 8 days with remission as on 26th January, 2000.

Hence, no case is made out in this Criminal Miscellaneous Petition. Accordingly, the

CRLMP No.4954/2006 is dismissed.

(G.V.Ramana)

Court Master

(Veera Verma)

Court Master