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R.P(Cr1.)No. 155 OF 2002
ITEM NO.
CHAMBER MATTER

COURT NO.

SEC -II

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Review Petition (Cr1) No(s).155/2002 In
SLP (CRL) No.3695/2000

Qamarul Zama Petitioner(s)

VERSUS

State of UP & Ors. Respondent(s)

(with appln. for c/delay in filing RP & exemption from filing C/C
of the impugned Judgment and office report)

Date: 27-2-2002 This matter was listed in the Chamber today.

CORAM :

HON'BLE MR JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

(By circulation)

UPON Perusing the Review Petition and the connected
papers the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Review petition is dismissed both on the ground
of delay as well as on merits.

.SP1

(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

.PA

.....L.....I.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

REVIEW PETITION (CRL) NO.155 OF 2002@@
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IN

SPECIAL LEAVE PETITION (CRL) NO.3695 OF 2000@@
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Qamarul Zama

....Petitioner

VERSUS

State of UP & Ors.

....Respondents

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

In the present case there is an inordinate delay of 432 days in filing the review petition. Apart from it when the matter came up for admission, application for exemption from surrendering was rejected on 25th September, 2000. The Court passed the following order:

.....L.....T.....T.....T.....T.....T.....J.....
.SP1

"As the petitioners have not surrendered in spite of trial court and the High Court concurrently finding them guilty of murder. We are not inclined to entertain this SLP but learned counsel made a persuasive plea that some time may be granted to the petitioners to surrender.

List on 16-10-2000, as a last chance."

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

On 16-10-2000 also petitioners had not surrendered. Therefore, the matter was dismissed by observing as under:

.....L.....T.....T.....T.....T.....T.....J.....
.SP1

"The petitioners have not yet surrendered, in spite of repeated opportunities granted. Therefore, we dismiss this special leave petition but we direct the Sessions Judge concerned to take prompt steps to get the petitioners back in jail for undergoing the sentence imposed on them."

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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

As stated in the review petition, petitioner was arrested in July 2001 which means despite this Court's order on 16th October, 2000 the authorities failed to arrest him for a period of eight months. Further it is to be stated that at the time of hearing in September 2000 the Court had specifically observed that on merits also there was no substance in the special leave petition. Further we have gone through the relevant record and, in our view, there is no substance in the contention raised in this review petition. Hence, the same is dismissed both on the ground of delay as well as on merits.

.SP1

.....J.@@
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(M. B. SHAH)@@
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.....J.@@
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(R. P. SETHI)@@
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New Delhi,
February 27, 2002