

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CRIMINAL APPEAL NO(s). 14-16 OF 2009

LALLAN SINGH & ORS.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

(Office Report for direction)

Date: 03/01/2014 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Appellant(s) Mr. Abhishek Atrey,Adv.

Mr. Ashutosh Kr. Sharma,Adv.

Ms. Babita Tyagi,Adv.

For Respondent(s) Ms. Shobha Dixit,Sr.Adv.

Mr. Vivek Vishnoi,Adv.

Mr. M.R. Shamshad,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

The Secretary, Department of Home, State of Uttar Pradesh, presently at Lucknow, has filed an affidavit pursuant to our order dated 19th July, 2013. Ms. Shobha Dixit, learned senior counsel appearing for the respondent-State, submits that although there is a mechanism in place for apprehending those who have been convicted for different offences but have not surrendered to custody, certain further steps need to be taken in that direction to strengthen the efficacy of that mechanism. She further submits that the problem of apprehending those convicted for offences and committing them to jail to serve the sentence awarded by the Courts appears to be a bigger phenomenon and needs to be addressed on a country-wide basis.

There is merit in the contention of Ms. Shobha Dixit. We have come across cases from different states including for instance the State of Bihar where convicts have not surrendered to custody even though their appeals have been dismissed by the High Court years ago. One such case (SLP (CrI.) No.9691 of 2010) came before us on 2nd January, 2014 where out of 10 convicts sentenced to life imprisonment for an offence of murder punishable under Section 302 of the Indian Penal Code, only 2 have surrendered to custody while the remaining 8 are at large despite lapse of five years since the dismissal of their appeals by the High Court. The situation may not be different in other states also.

We are, therefore, inclined to examine this issue in a larger perspective for which purpose we requested Mr. U.U. Lalit, Senior Advocate, to assist the Court as amicus. Mr. Lalit has graciously agreed to do so. We therefore direct the Registry to furnish to Mr. Lalit a copy of our order dated 19th July, 2013, the affidavit filed by the Secretary, Department of Home, State of Uttar Pradesh as also the other relevant documents which the amicus may require for this purpose.

The Registry shall do the needful within four weeks.

Post immediately after four week.

(Mahabir Singh)
Court Master

(Veena Khera)
Court Master