

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).807/2006

(From the judgement and order dated 05/01/2006 in A No. 36/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SURESH NARAYAN DWEVEDI

Petitioner(s)

VERSUS

RAMJI & ANR.

Respondent(s)

(With appln(s) for stay and office report )

Date: 25/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr.Gaurav Agrawal,Adv.

For Respondent(s)

For R-1

Mr. Manoj Prasad ,Adv

For R-2

Mrs. Reena Singh, Adv.

Mr. Ankur Mittal, Adv..

Mr. Javed Mahmood Rao, Adv.

Mr. S.A. Rao, Adv.

Mr. Musharraf Chawdhry, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Appeal stands allowed in terms of the signed order.

Singh)  
aster

(J.S. Rawat)

AR-cum-PS

(Kanwal

Court M

[Signed order is placed on the file].

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 997 OF 2006  
[Arising out of SLP(Crl.) Nos. 807 of 2006]

Suresh Narayan Dwevedi

Appellant(s)

Versus

Ramji & Anr.

Respondent(s)

O R D E R

Leave granted.

The informant/complainant is the appellant. The accused and the State are the first and the second respondent herein respectively.

It is stated that the first respondent was an accused in an offence of murder committed in 1991 in which he was convicted under Section 302 IPC and sentenced to life imprisonment on 19th December, 1994 in Crime No. 227/91. He preferred an appeal thereagainst before the High Court of Judicature at Allahabad and was released on bail during the pendency of the

appeal. While on bail in that case, on 9th June, 2004, he committed murder of the witness who had deposed against him. The trial court convicted him under Section 302 read with Section 34 IPC and sentenced to life imprisonment again.

Aggrieved against the order of conviction and sentence, he preferred appeal in the High Court of Judicature at Allahabad. On 5th January, 2006, the High Court while admitting the appeal, granted bail to the accused-appellant before it.

Against the order granting bail to the accused-respondent, the informant-appellant has moved this Court seeking cancellation of the liberty granted to the first respondent.

We have heard counsel appearing for the appellant, the accused first respondent and for the State of U.P.

We agree with the submission advanced by the learned counsel appearing for the appellant that the High Court has not recorded any cogent and acceptable reason for grant of bail to the accused-appellant before it, especially when the accused is alleged to have committed murder during the period of his bail in an earlier case. The High Court except recording that "It is alleged that appellant Ram Ji fired at the victim but missed the aim and the shot fired by him did not hit the victim", which was disbelieved by the trial court, has not given any cogent reasons for granting bail to the accused-first respondent.

In the absence of any good reasons, in our opinion, no case for

grant of bail in the instant case was made out. Hence, the impugned order of the High Court granting bail to the accused-respondent cannot be sustained. Accordingly, the impugned order is set aside.

Needless to mention, nothing stated herein above shall be treated to be an expression on merits of the case pending before the High Court and the High Court shall deal with the matter, in accordance with law, without being influenced by any of the observations made in this order of ours.

The appeal stands allowed accordingly.

.....J.

(ASHOK BHAN)

New Delhi;  
September 25, 2006.

.....J.  
(MARKANDEY KATJU)