

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).551/2006

(From the judgement and order dated 20/12/2005 in CRLMC No. 2198/2002 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW)

AKHILESH KUMAR SINGH

Petitioner(s)

VERSUS

STATE OF U.P.TH. D.G.C.(CRL)& ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T.,directions,interim bail and office report)
(For final disposal)

Date: 10/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Ram Jethmalani, Sr. Adv.

Ms. Lata Krishnamurthy, Adv.

Mr. S.Balaji,Adv., Ms. P.R. Mala, Adv.,

Ms. Madhusmita Bora, Adv.,Mr. V. Sudeer, Adv.

Mr. Sudhanshu Nath Singh, Adv.

Mr. S.R. Sharma, Adv.,Mr. Asim Singh, Adv.

For Respondent(s)

Mr. R.K. Jain, Sr. Adv.

Mr. T. Rai, Adv.

Mr. K.K. Mohan,Adv.

Mr. Ashish Mohan, Adv.

Mr. R.G. Padia, Sr. Adv.

Mr. Ram Kishore Singh yadav, Adv.

Mr. Irsad Ahmad, Adv.

Mr. Jatinder Kumar Bhatia ,Adv(N.P.)

UPON hearing counsel the Court made the following

O R D E R

This is a case wherein the petitioner was granted bail by the Sessions Court

in a crime registered by the P.S.Kotwali,

..2/-

-2-

Rae Bareilly, under Sections 147/148/149/302 read with Section 34 IPC.

The petitioner is one of the six accused allegedly involved in the crime. Out of them, one is reported to have died after the registration of this criminal case and others except petitioner have been granted bail. The High Court cancelled the bail of petitioner granted by the Sessions Court on the ground that the petitioner has been involved in a series of other criminal cases. But the counsel for the petitioner has asserted that in none of the cases petitioner had been convicted and in many of the cases registered against him, ended either by acquittal or discharge of the petitioner. Counsel for the complainant-respondent no.2 submits that the petitioner is involved in series of cases and a chart is produced wherein the petitioner has been arrayed as accused.

The present criminal case is pending before the Additional Sessions Judge,

Rae Bareilly. Though the police filed a final report under Section 173 Cr.P.C., the Court could not frame charge against all the accused as two of the accused were not produced by the State before the Court. Anjani Pathak and Shishir Srivastava are the two accused who were later impleaded as accused in this case. It is alleged that they are in judicial custody of the police as they are accused in some other cases. The first respondent State is directed to see that the accused Anjani Pathak and Shishir Srivastava are produced before the Additional Sessions Judge or any other Judge who is in-charge in his place for taking steps for framing of the charges. The

...3/

-3-

Sessions Judge or who would be in-charge of him or the Additional Sessions Judge, Rae

Bareilly shall pass appropriate orders regarding framing of charges on 19th October, 2006

on which date the case at present stands posted. The Sessions Judge of Rae Bareilly shall

also see that the case comes up for posting to the nearest date for beginning of the trial.

We may also hasten to add that the learned Single Judge, who has passed the impugned

order, has made some disparaging remarks about the present petitioner. We think that

such remarks are not necessary for just disposal of the case and the remarks made by the

learned Single Judge that, "the petitioner is a dreaded criminal," shall not have any

influence for the trial of the case.

Post on 3rd November, 2006.

(R.K. DHAWAN)

COURT MASTER

(VEERA VERMA)

COURT MASTER