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SLP(Crl.)No. 1490 OF 2003
ITEM No.29

Court No. 7

SECTION II
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 1490/2003

(From the judgement and order dated 31/01/2003 in CRLA 1325/80
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAKESH & ORS.

Petitioner (s)

VERSUS

STATE OF U.P.

Respondent (s)

(With Appln(s). for bail and exemption from filing c/c of the
impugned Judgment)

Date : 09/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)Mr. Ravi Prakash Mehrotra, Adv.
Mr. Garvesh Kabra, Adv.
Ms. Deepti R. Mehrotra, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard parties for fifteen minutes.

Leave granted.

The appeal stands disposed of in terms of the signed order.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master
[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO..... OF 2003
(ARISING OUT OF SLP (CRL.) NO.1490 OF 2003)

RAKESH & ORS.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent (s)

O R D E R

Leave granted.

Heard parties.

Considering the fact that this is a criminal case where the appellants have been convicted under Section 302 read with Section 34 of the Indian Penal Code and have been sentenced to life imprisonment, it would have been preferable that the High Court hear the appellants' counsel before dismissing the appeal. We, therefore, set aside the impugned order. Criminal Appeal shall be restored to the file of the High Court. The parties are directed to appear before the High Court on 10th November, 2003 on which date the Criminal Appeal must be listed on the board of the concerned Court. The High Court may hear the matter on that date or any other date convenient to it. If the appellants' counsel does not appear on 10th November, 2003 or on any other day on which the High Court fixes for hearing, the High Court may then proceed ex parte. Otherwise, the High Court to hear the appellants before disposing of the matter on merits. The appeal stands disposed of accordingly.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi,
October 09, 2003.