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SLP(Crl.)... 3947 OF 2005

ITEM No.18

Court No. 1

SECTION II

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.)...Crl.MP3947/2005
(From the judgement and order dated 10/10/2003 in MCrC 1575/01
of The HIGH COURT OF M.P. AT JABALPUR)

MOHAMMAD SHERIFF

Petitioner (s)

VERSUS

STATE OF M.P.

Respondent (s)

(With Crl.M.P. No 3947/2005 for c/delay in filing SLP)

Date : 08/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. P.D. Sharma,Adv.(NP)

For Respondent (s)

UPON perusing the papers the Court made the following
O R D E R

The matter was passed over once. None appears for the petitioner even on the second call.

The special leave petition is filed after a delay of 395 days putting in issue the order dated 10.10.2003 passed by the High Court whereby application for suspension of sentence under Section 389 of the Code of Criminal Procedure filed by the petitioner (appellant in the High Court) was rejected.

As it is still open to the petitioner to seek an early hearing of the appeal or renew the prayer for bail in the High Court, we are not inclined to admit this special leave petition. As the criminal appeal is of the year 2001 in the High Court, we expect the High Court to assign the appeal a priority in the matter of hearing as the accused is in jail, in the event of an application for the purpose being moved before the High Court.

The special leave petition is dismissed both on the ground of delay and on merits.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER