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SLP(Cr1.)No. 2152 OF 2001

ITEM No.25

Court No. 4

SECTION IIA
A/N MATTER

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 (Cr1.) No. 2152/2001

(From the judgement and order dated 12/01/2001 in CRLM 38/01
of The High Court of Judicature at Jharkhand, Ranchi)

UTTAM @ DEWASHISH BANERJEE

Petitioner (s)

VERSUS

STATE OF JHARKHAD
(With Appln(s). for bail)
(With Office Report)

Respondent (s)

Date : 19/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s)

Mr. Ajit Kumar Sinha,Adv.

For Respondent (s)

Mr. Ashok Mathur,Adv.
Mr. Rajesh Pathak, Adv.

UPON hearing counsel the Court made the following

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Leave granted.
Appeal is disposed of in terms of the signed
order.

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Hemalatha (HK Bhatia)
Court Master

(Signed order is placed on file)

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No.1170 of 2001@@
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(Arising out of SLP(Cr)No.2152 of 2001)

Uttam @ Dewashish Banerjee

..Appellant

vs.

State of Jharkhand

..Respondent

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Leave granted.

Appellant is one of the accused in a case relating to the death of his wife. It is alleged that the deceased was murdered by the accused. The appellant was arrested on 1.7.1998 and he is still continuing in jail without registering any progress for the trial. We tried to ascertain from the presiding officer of the trial court as to the reason for not proceeding with the trial. The report submitted by the judge in charge of that court shows that no regular judge has been posted in the court concerned. Thereafter we wanted the Registrar of the High Court of Jharkhand to inform us as to why no judge is posted in the particular court. No response has come from the Registrar. Learned counsel for the State of Jharkhand submitted that the High Court of Jharkhand at Ranchi is now on its long vacation.

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Learned counsel for the appellant submits that death of his wife was not a case of homicide but only suicide and there are broad circumstances for the court to come to that conclusion. We are not inclined to go into the merits of the case at this trial stage. If we make any observation regarding the merits of the case we are afraid the same will have a prejudicial effect on the final conclusion. Advisedly, we refrain from doing so. Nonetheless considering the fact that appellant is in custody from 1.7.98 onwards and further considering the fact that all other co-accused have been released on bail and also considering the fact that there is no reasonable prospect of the trial taking place in the near future, we are inclined to release the appellant on bail on certain conditions. We, therefore, order the appellant to be released on bail on his executing a bond for such amount as the Principal Sessions Judge, Bermo may fix with two solvent sureties to his satisfaction.

We direct the appellant to report to Bermo Police Station on all alternate Mondays between 4.00 P.M. and 6.00 P.M. until further orders or until such time as the

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trial court would exempt him from further reporting. We permit him to move the trial court for relaxation of this condition, if found necessary.

Appeal is accordingly disposed of.

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New Delhi

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November 19, 2001

(S.N. Phukan)@@

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