

ITEM NO.104

COURT NO.2

SECTION IIA

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

Criminal Appeal No(s). 152/2009

HIRA SINGH & ANR.

Appellant(s)

VERSUS

STATE OF M.P.

Respondent(s)

(with office report)

WITH

Cr1.A. No. 461/2008
(With Office Report)

Cr1.A. No. 1753/2009
(With appln.(s) for bail and Office Report)

Date : 11/02/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. P.V.Agrawal, Sr. Adv.
 Mr. Ambuj Agarwal, Adv.
 Mrs. Santosh Singh, Adv.

 Mr. Avinash Kr. Lakhanpal, Adv.

For Respondent(s) Ms. Bansuri Swaraj, Adv.
 Mr. C. D. Singh, Adv.

 Mr. Jetender Singh, Adv.
 MS. Priyanka Singh, Adv.
 Mr. Gaurav Kumar, Adv.
 Mr. Vijendra K.Kaushik, Adv.
 Mr. S.K.Sabharwal, Adv.

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

There are four appellants in these appeals. While appellant No. 2- Surat Singh is reported to have passed away, appellant No. 4 Yaduvir Singh is represented and is currently on bail. Non-bailable warrants issued against appellants No. 1 and 3 however remain unserved. Mr. P.C. Agarwal, learned senior counsel for the appellant submits that the appellants have tried to surrender before the Trial Court but the Trial Court has not taken them into custody for want of proper warrants. We fail to appreciate the logic behind this statement. Since the appellants stand convicted and sentenced to undergo life imprisonment, they ought to be in jail serving the sentence awarded to them unless of course the sentence is suspended by this Court in appeal. Since there is no such order of suspension of sentence on the contrary. Non-bailable warrants have been issued against them, the trial Court is expected to commit them to jail no sooner they surrender before it. There is in that view no question of the appellants facing any difficulty in the matter of surrender to custody. Be that as it may we grant to appellants No. 1 and 3 four weeks' time to surrender to custody and to produce evidence to that effect before this Court failing which this appeal qua appellants No. 1 and 3

shall stand dismissed without any further reference to
the Bench.

Post after four weeks.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master