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ITEM NO.301

Court No.6

SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
WRIT PETITION (CRL.) NO(s). 11 OF 2013

HARISH KUMAR ALIAS BABLU & ANR.

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.  
(With office report )  
(For final disposal)

Respondent(s)

WITH W.P(CRL.) NO. 12 of 2013  
(With office report)

W.P(CRL.) NO. 189 of 2013  
(With appln. for bail and office report)

W.P(CRL.) NO. 209 of 2011  
(With office report)  
(For final disposal)

W.P(CRL.) NO. 213 of 2013  
(With appln. for bail and office report)

W.P(CRL.) NO. 214 of 2013  
(With appln. for bail and office report)

W.P(CRL.) NO. 41 of 2013  
(With office report)

W.P(CRL.) NO. 60 of 2011  
(With office report)  
(For final disposal)

W.P(CRL.) NO. 75 of 2012  
(With office report)  
(For final disposal)

W.P(CRL.) NO. 8 of 2011  
(With office report)  
(For final disposal)

Date: 27/03/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. S.K. Sabharwal, Adv.  
Mr. Jetendra Singh, Adv.  
Mr. Vijendra Kumar Kaushik, adv.  
Ms. Priyanka Singh, Adv.

Mr. Dinesh Kumar Garg, Adv.

Mr.S.Mahendran, Adv. (A.C.)

For Respondent(s) Ms. Pragati Neekhra, Adv.  
Mr. Upendra Mishra, Adv.  
Mr. Parth Tiwary, Adv.

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

W.P.(Crl.) No. 11 of 2013:

Ms. Pragati Neekhra, learned counsel for the respondents has today placed on record a copy of order dated 13.11.2013 passed by the State Government declining to prematurely release the petitioner Harish from custody. We have gone through the order which is fairly reasoned and see no justification to interfere with the same. In that view this writ petition insofar the same relates to Harish is hereby dismissed as withdrawn reserving liberty for the petitioner to move a representation before the competent authority for premature release, if so advised.

As regards Satya Prakash, petitioner No. 2 in this petition, Ms. Neekhra points out that the authorities are considering the petitioner's representation and given four months' time the competent authority shall pass appropriate orders in regard to the said petitioner also. In case a reasoned order is not passed by the competent

authority before the next date of hearing, the Inspector General of Prisons, State of U.P. shall remain present personally along with the relevant record in this Court on the next date of hearing. In that view this petition is adjourned by four months. In the meantime, the petitioner shall continue to be on bail as already directed.

W.P.(Crl.) Nos. 12 of 2013, 209 of 2011, 8 of 2011, 60 of 2011, 41 of 2013, 75 of 2012, 189 of 2013:

Ms. Pragati Neekhra, Adv. prays for and is granted four months' time for the competent authority to take a final decision and pass a reasoned order on the prayer made by the petitioners for premature release. We make it clear that in case a reasoned order is not passed by the competent authority before the next date of hearing, the Inspector General of Prisons, State of U.P. shall remain present personally along with the relevant record in this Court on the next date of hearing.

Tag with W.P.(Crl.) No. 11 of 2013.

W.P.(Crl.) No. 213 and 214 of 2013:

Counter affidavit by the respondents be filed within four weeks.

Rejoinder, if any, be filed within four weeks thereafter.  
Tag with W.P.(Crl.) No. 11 of 2013.

W.P.(Crl.) No. 75 of 2012:

Mr. D.K.Garg, learned counsel for the petitioner seeks six weeks' time for filing rejoinder affidavit.

Post along with W.P.(Crl.) No. 11 of 2013.  
Needful be done in the meantime.

| (Shashi Sareen)  
| Court Master

| | (Veena Khara)  
| | Court Master

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