

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). 209 OF 2011

GUPTAR SINGH Petitioner(s)

VERSUS

STATE OF U.P.& ANR Respondent(s)

(With appln(s) for bail, permission to file additional documents and office report)
(FOR FINAL DISPOSAL)

WITH SLP(Crl) NO. 775 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 111 of 2010
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 57 of 2010
(With appln(s) for stay of arrest and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 2 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 8 of 2011
(With appln(s) for stay of arrest and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 10 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 24 of 2011
(With appln(s) for stay of arrest and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 27 of 2011
(With appln(s) for stay of arrest and office report)
(FOR FINAL DISPOSAL)

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W.P(CRL.) NO. 60 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 80 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 159 of 2011
(With appln(s) for stay of arrest and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 167 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 169 of 2011
(With appln(s) for bail and office report)
(FOR FINAL DISPOSAL)

W.P(CRL.) NO. 238 of 2011
(With office report)
(FOR FINAL DISPOSAL)

Date: 17/10/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. S.R. Setia, Sr.Adv.
Mr. Avnish Singh, Adv.
Mr. R.S. Yadav, Adv.
Mr. Mohd. Muztaba, Adv.
Ms. Asha Gopalan Nair

Mr. S.K. Sabharwal, Adv.
Mr. Jitendra Singh, Adv.

For Respondent(s) Mr. Pramod Swarup, Sr.Adv.
Ms. Parena Swrup, Adv.
Ms. Pragati Neekhara, Adv.
Mr. Mukul Singh, Adv.

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Mr. Pradeep Misra, Adv

Mr. Kamlendra Mishra, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Gunnam Venkateswara Rao, Adv. (NP)

Mr. M.R. Shamshad, Adv.

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

WRIT PETITION (CRL.) NO. 209 OF 2011
WRIT PETITION(CRL) NO. 8 OF 2011
WRIT PETITION(CRL) NO. 60 OF 2011

The matters are adjourned for three months. In the
meanwhile, additional documents that are necessary to
adjudicate upon the issue may be filed.

SLP(Crl) NO. 775 of 2011

Leave granted.

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

WRIT PETITION(CRL) NO. 111 OF 2010
WRIT PETITION(CRL) NO. 2 OF 2011
WRIT PETITION(CRL) NO. 10 OF 2011
WRIT PETITION(CRL) NO. 24 OF 2011
WRIT PETITION(CRL) NO. 27 OF 2011
WRIT PETITION(CRL) NO. 57 OF 2010
WRIT PETITION(CRL) NO. 80 OF 2011

WRIT PETITION(CRL) NO. 159 OF 2011
WRIT PETITION(CRL) NO. 167 OF 2011

All the writ petitions are disposed of in terms of the signed order.

WRIT PETITION(CRL) NO. 169 OF 2011

The writ petition is disposed of in terms of the signed order.

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WRIT PETITION(CRL) NO. 238 OF 2011

This writ petition is disposed of in terms of the signed order.

In the meanwhile, the petitioners are released on bail, to the satisfaction of VIIth Addl. Sessions Judge, Hardoi, U.P. In respect of Rajendra s/o. Sh. Mulai - petitioner No. 1 And Addl. Sessions Judge Kanpur Nagar, U.P in respect of Satya Prakash Singh @ Putti Singh S/o Late Shiv Raj Bahadur Singh - petitioner no. 2.

(KUSUM SYAL)
SR.P.A

(M.S. NEGI)
COURT MASTER

(Four signed orders are placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1676 OF 2012
(Arising out of SLP(Crl.) No.775 of 2011)

GURU PRASAD AND ANR.

Appellant(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard Mr. S.R. Singh learned senior counsel for the appellants and Mr. Pramod Swarup learned senior counsel for the State of U.P.

Learned senior counsel for the appellants has submitted that the present appellants have served 18 years and six months in jail. Earlier, in view of the Government Order dated 11.1.2010, the appellants were released from the jail but since the said Government Order was quashed by the High Court, they were again taken into custody to serve out the remaining period

of sentence in view of the another Government Order dated 25.1.2010. Both the appellants are life convicts and have been sentenced to life imprisonment and since the appellants have served 18 years and six months of imprisonment, they are entitled for premature release in view of the policy laid down by the

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State Government which was applicable on the date of their conviction.

Taking recourse of the judgment of this Court in State of Haryana & Ors. vs. Jagdish AIR 2010 SC 1690 that the policy applicable on the date of conviction of a person could be applicable for considering the premature release unless the subsequent policy had been more beneficial to the convicts.

Mr. Pramod Swarup, learned senior counsel appearing for the respondent has submitted that it could be left open to the State to consider and examine individual cases and pass an appropriate order in the light of the law laid down in the aforesaid case.

In view of the above, we dispose of the appeal directing the respondent - Authority to examine each case individually and pass an appropriate order. In case a favourable order is not passed, the authority must give specific reasons for not releasing the person on premature release. Till the disposal of the appellants' cases, the appellants shall remain on bail as they are now.

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With these observations, the appeal is disposed of.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

New Delhi,
OCTOBER 17, 2012

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRL) NO. 111 OF 2010

ZAINULLAH & ORS.

Petitioners(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

WITH

WRIT PETITION(CRL) NO. 2 OF 2011
WRIT PETITION(CRL) NO. 10 OF 2011
WRIT PETITION(CRL) NO. 24 OF 2011

New Delhi,
OCTOBER 17, 2012

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION(CRL) NO. 238 OF 2011

RAJENDRA AND ANR.

Petitioner(s)

VERSUS

STATE OF U.P.& ANR.

Respondent(s)

O R D E R

Heard learned senior counsel for the parties.

This writ petition is disposed of in terms of our order of this date passed in connected Writ Petition (Crl.) No. 169 of 2011 titled Vijay Pal Singh vs. State of U.P and Anr.

In the meanwhile, the petitioners are released on bail, to the satisfaction of VIIth Addl. Sessions Judge, Hardoi, U.P. In respect of Rajendra s/o. Sh. Mulai - petitioner No. 1 And Addl. Sessions Judge Kanpur Nagar, U.P in respect of Satya Prakash Singh @ Putti Singh S/o Late Shiv Raj Bahadur Singh - petitioner no. 2.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

New Delhi,
OCTOBER 17, 2012