

d

ITEM NO.32

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CrI. M.P.7627-7628 of 2012
in

CRIMINAL APPEAL NO(s). 1759-1760 OF 2010

CHANDRA BHUSHAN MISHRA & ORS.

Appellant (s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for bail and office report)

Date: 06/07/2012 These Appeals were called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
(IN CHAMBERS)

For Appellant(s) Mr. R.D. Upadhyay, Adv.

For Respondent(s) Mr. Manoj K. Mishra, Adv.
Mr. Shiv Pati B. Pandey, Adv.
Mr. V.N. Raghupathy, Adv.

Mr. C.D. Singh, Adv.
Mr. Ajay Singh, Adv.

Mr. M.R. Shamshad, Adv.
Mr. Ahmad S. Azhar, Adv.
Ms. Praneeta Vir, Adv.

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

This Court had passed an order earlier that the Chamber Judge will not hear this application for bail and the same be listed along with the appeal.

Learned counsel informed that this order is being interpreted by the officers of the Registry that the bail application will be considered as and when the appeal is listed for final hearing. It is peculiar that this interpretation could be attributed to the order of this court which results into rendering the application for bail as infructuous.

It is obvious that an application for bail has been filed during the pendency of the appeal and the Court passed the order that the application for bail be listed alongwith the appeal, it will have to be understood to mean that the application for bail will be considered along with records of the appeal and not that the application for bail will be considered when the appeal is listed for final hearing as this interpretation would result into absurdity, rendering the bail application infructuous.

The Registry is directed to interpret the Order in the correct perspective and in the light of the clarifications made hereinabove.

Hence, the bail application be listed before the Regular Bench for consideration along with the records of the appeal.

| (Jayant Kumar Arora)
| Sr. P.A.

| | (S.S.R.Krishna)
| | Court Master