

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3537/2017

(Arising out of impugned final judgment and order dated 14-12-2016 in CRLA No. 5847/2016 passed by the High Court of Judicature at Allahabad)

GURIA SWAYAM SEVI SANSTHAN

Petitioner(s)

VERSUS

KALI & ANR.

Respondent(s)

WITH

SLP(Crl) No. 3538/2017 (II)

(IA No.121688/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.121692/2017-EXEMPTION FROM FILING O.T.)

Date: 15-12-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Mr. Gaurav Agarwal, Adv.
Mr. Anuj Kapoor, Adv.
Mr. Abhikalp Singh, Adv.
Mr. Abhay A., Adv.
Ms. Sridevi Panikkar, AOR

For Respondent(s)

Mr. D.K. Goswami, Adv.
Mr. Adarsh Upadhyay, Adv.

Mr. Anuvrat Sharma, AOR

Mr. P. K. Jain, AOR

Mr. Saurabh Jain, Adv.

Mr. P.K. Goswami, Adv.

Mr. S.P. Singh Rathore, Adv.

Mr. Ashok K. Sharma, Adv.

Mr. Uday Prakash Yadav, Adv.

Mrs. Anuradha Soni Verma, Adv.

Mr. Shryansh Aggarwal, Adv.

Mr. Rajesh Goyal, Adv.

Mr. H. Arjun, Adv.

Mr. R.P.S. Yadav, Adv.
Ms. Lalita Yadav, Adv.
Kumari Rashmi Rani, Adv.
Ms. Rashi Jaiswal, Adv.
Mr. Abdul Gaffar, Adv.
Mr. Vipin Kumar Jai, AOR

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

Special Leave Petition (Crl.) No. 3537/2017:-

This Special Leave Petition is filed against the interim order, dated 14.12.2016, passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 5847 of 2016, wherein the High Court has granted *intra*-appeal bail under Section 389 of the Code of Criminal Procedure, 1973.

Heard the learned counsel appearing on behalf of both the parties.

Considering the gravity of the offences particularly taking into consideration that the Trial Court has convicted the aforesaid Respondent No.1 under Section 3, 4, 5, 6 and 9 of the Immoral Traffic (Prevention) Act of 1956 and the fact that the Respondent No.1 - accused has only undergone 2 months of imprisonment whereas she was convicted for 10 years in this case, we are of the considered opinion that this is not a fit case for extending the benefit of *intra*-appeal bail.

Our attention is drawn to the Counter Affidavit filed by the Respondent No.2 - State, wherein it is stated that first respondent is a hardened criminal and is involved in immoral trafficking and forcing young girls into prostitution.

Having heard the learned counsel for both the parties and in the facts and circumstance of this case, we are left with only one option to cancel the bail granted to Respondent No.1 and two weeks' time is granted to the said respondent to surrender before appropriate authorities to undergo the remainder of sentence.

The Special Leave Petition is disposed of in the afore-stated terms.

Special Leave Petition (Crl.) No. 3538 of 2017 :-

List the matter immediately after Winter Vacation. The State is directed to file an affidavit indicating therein the period of incarceration the respondent has undergone in this case

(VISHAL ANAND)
COURT MASTER (SH)

(RENUKA SADANA)
ASST. REGISTRAR