

ITEM NO.28

COURT NO.1

SECTION II

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 for Special Leave to Appeal (Crl.) No.3453/2022

(Arising out of impugned final judgment and order dated 04-12-2021 in BN No. 12719/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

MOHIUDDIN

Petitioner(s)

VERSUS

THE STATE OF U.P.

Respondent(s)

(IA No. 54301/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 54300/2022 - EXEMPTION FROM FILING O.T.)

Date : 15-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Rizwan Ahmad, Adv.
Mr. Raj Kishor Choudhary, AOR
Mr. Shakeel Ahmed, Adv.
Ms. Malvika Raghvan, Adv.
Mohd. Wasiq Khan, Adv.

For Respondent(s) Ms. Anamika Agrawal, Adv.
Mr. Parmanand Pandey, AOR

Mr. Utkarsh Pandey, Adv.

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

1. We have heard learned counsel for the parties and perused the record.
2. The first bail application of the petitioner was dismissed vide order dated 21.6.2021 without hearing learned counsel for the petitioner inasmuch as the order itself records that though link

was sent to the learned counsel and he was also contacted over telephone several times but he has not responded.

3. Learned counsel for the petitioner submits before us that on account of technical issues he could not connect the High Court through the link provided and the application was dismissed without any opportunity of hearing. The second bail application filed by the petitioner was dismissed only on the ground that there has been no change in the circumstances.

4. Considering the aforesaid facts and circumstances, we are of the view that the matter requires to be heard afresh, by the High Court after perusing the material placed before it, and opportunity of hearing to the learned counsel appearing for the petitioner. Accordingly, we remit the matter to the High Court for fresh hearing.

5. With the above observation, the Special Leave Petition stands disposed of.

6. Consequent upon disposal of the Special Leave Petition, the pending interlocutory application(s) also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

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