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SLP(Crl.)No. 2503 OF 2000
ITEM No.24

Court No.10

SECTION II
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Crl.) No. 2503/2000

(From the judgement and order dated 20/05/2000 in CRMTA 123/2000
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PRAMOD KUMAR

Petitioner (s)

VERSUS

STATE OF U.P. AND ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T.)

Date : 16/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Rakesh K Khanna, Adv.
Mrs. Sunit R Singh, Adv. for
Mr. Rajesh Prasad Singh, Adv.

For Respondent (s) Mr. DK Garg, Adv.
Mr. Prashant Chaudhary, Adv.
Mr. Praneet Ranjan, Adv.

for State of UP Mr. YP Dhingra, Adv. for
Mr. Pramod Swarup, Adv.

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

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

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(D.L. Chugh)
Court Master

(R.K. Kumar)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.498 OF 2001@@
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Pramod Kumar

....Appellant

VERSUS

State of UP & Ors.

....Respondents

O R D E R@@
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Heard learned counsel for the parties.
Leave granted.

By the impugned order the High Court has transferred the Sessions Case No.227 of 1999 pending in the Court of Sessions Judge, Bijnor to the Court of Sessions Judge at Muzaffarnagar on the ground that the learned Sessions Judge was showing undue haste in disposal of the sessions case and that has created bona fide apprehension in the mind of the petitioner that no justice would be done to them. In our view the impugned order passed by the High Court, on the face of it is illegal. Normally the sessions case are required to be heard on day to day basis and there is no question of granting repeated adjournments. This Court has repeatedly pointed out that the court should strictly follow Section 309 of the Code of Criminal Procedure and Sessions case should be disposed of as early as possible. Therefore, not adjourning ... 2/-

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the sessions trial on repeated request by the accused would hardly be a ground for having any apprehension in the mind that the accused would not get justice. In this view of the matter the impugned order passed by the High Court is set aside and the trial court is directed to proceed with the matter expeditiously.

Appeal stands disposed of accordingly.

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.....J.@@
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(M.B. SHAH)@@
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.....J.@@
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(S.N. VARIAVA)@@
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New Delhi,
April 16, 2001