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SLP(Crl.)No. 299 OF 2001

ITEM No.36

Court No. 1

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. 299/2001
(From the judgement and order dated 17/11/1999 in CRLMC 4472(B)/99
and 24/07/2000 in CRLMC No. 788(B)/2000
of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH)

BAL KRISHNA PANDEY @ VIDUR

Petitioner (s)

VERSUS

STATE OF U.P. Respondent (s)
(With Appln(s). for exemption from filing O.T. and bail)
(With Office Report)

Date : 20/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. Mudhkar Agarwal, Adv.
Mr. Jagdish Kumar Agarwal, Adv.

For Respondent (s) Mr. A.S. Pundir, Adv.
Mr. P.K. Singh, Adv.

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

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The appeal is allowed in terms of the signed order.

The impugned order is set aside and the appellant shall be released on bail during pendency of the trial on his furnishing bail bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the trial court.

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(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 840 OF 2001@@
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arising out of
SPECIAL LEAVE PETITION (CRL.) NO. 299 OF 2001@@
CC

Bal Krishna Pandey @ VidurAppellant

VS.

State of U.P.Respondent

O R D E R@@
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Leave granted.

It is not disputed that FIR was initially registered against the appellant for offences under Section 307, 323 and 504 IPC.

The occurrence took place on 4th August, 1999 and the deceased succumbed to injuries on 13th August, 1999. The appellant was arrested on 11th August, 1999. His application for bail was rejected by the Sessions Judge on 5th October, 1999 and the High Court also rejected his application for bail on 17th November, 1999. Even after case was committed to the Court of Session vide order dated 15th February, 2000, the bail application filed by the appellant was rejected on 24th July, 2000. We had directed the parties to place on record copy of the order sheet to show the status of the case, since we were informed ...2/-

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that despite the case having been committed, as early as in February, 2000, charge had not been framed till the date of filing of the application. A copy of the order sheet has been filed. It presents a distressing spectacle.

It appears that the case was fixed for framing of charges on 20th December, 2000 when it was adjourned to 16th January, 2001 and though the appellant was present, an application was moved by the Additional District Government Counsel for adjournment of the case. The same was allowed and the case was adjourned to 3rd February, 2001. On 3rd February, 2001, the case was not taken up by the Court, though the appellant had again been produced in custody from jail. The matter was listed for 20th February, 2001 on which date the case could not be taken up because the Presiding Officer was reported to be on leave. When the case was taken up on the next date, i.e. on 8th March, 2001, the Court found that there was 'no time left to deal with the case' and accordingly it was adjourned to 28th March, 2001 for framing of charges. On 28th March, 2001, the case was once again adjourned on an application moved by the Additional District Government Advocate and when the matter came ...3/-

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up on the next date, i.e. on 18th April, 2001, an adjournment was sought for by learned counsel for the appellant. The next date, when the case was taken up on 11th May, 2001, the record shows that since the advocates were on strike, the case could not be taken up. It was adjourned to 28th May, 2001 on which date again, at the request of the Additional District Government Counsel, the case was adjourned to 12th June, 2001 when it was again not taken up because the Presiding Officer was stated to be on leave. The matter was adjourned to 25th June, 2001, on which date also the charges were not framed.

We are informed that the charges ultimately came to be framed on 12th July, 2001. In a simple matter of framing of charges, the Court should have taken more than 7 months to frame the charges is negation of principle of speedy trial. The grounds on which the case has been adjourned from time to time reflect poorly on the manner in which trial was being conducted. The trial court is directed to be careful in future in dealing with such cases and not to take up the cases for framing of charges in such a casual manner and keep them pending for long periods, while the accused languishes in custody.

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We have perused medical evidence and other material available on record. Without expressing any opinion on the merits of the case, we set aside the impugned order and direct that the appellant shall be released on bail during pendency of the trial on his furnishing bail bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the trial court. The appellant shall co-operate with the trial court so that the trial can be completed expeditiously.

The appeal is allowed.

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.....CJI.

.....J.
(R. C. LAHOTI)

.....J.
(P. VENKATARAMA REDDI)

New Delhi
August 20, 2001.