

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(s).4135/2004

(From the judgement and order dated 27/09/2001 in CRLWP No. 5039/2000 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

KISHAN

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

WITH

SLP(Crl.) NO. 4138 of 2004

(With appln(s) for c/delay in filing SLP and office report)

Date: 23/09/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Ms. Promila,Adv.(A.C.)

Mr. Rana Ranjit Singh, Adv.(A.C.)

For Respondent(s)

Mr. Ravi Prakash Mehrotra,Adv.

Mr.Garvesh Kabra, Adv.

Ms.Fizani Hussain, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(Crl.)No.4135 of 2004:

Adjourned by two weeks.

(G.V.Ramana) (Veera Verma)

Court Master Court Master

ITEM NO.4(ii)

COURT NO.4

SECTION II

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

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Mr. Garvesh Kabra, Adv.

Ms. Fizani Hussain, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(Crl.)No.4138/2004:

Delay condoned.

Heard learned amicus curiae for the petitioners and the counsel for the respondent-State.

Petitioner no.12 - Jhinmutti is directed to be released and the petition as against other

petitioners stand dismissed, in terms of the signed order.

(G.V.Ramana)
(Veera Verma)

Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(CRL.)NO.4138 OF 2004

Daya Shankar & Ors.

...

Appellant(s)

Versus

State of U.P.
)

...

Respondent(s)

O R D E R

Delay condoned.

The affidavit filed by the counsel for the State is taken on record.

Heard learned amicus curiae for the petitioners and the counsel for the respondent-State.

It was stated by learned counsel for the petitioners that petitioner no. 12 - Jhinmutti who has been

undergoing imprisonment of life conviction in Central Jail, Varanasi was released on remission by the

Governor of Uttar Pradesh on 26.01.2000. Thereafter pursuant to the order passed by the Division

Bench of the High Court, he was again taken into custody and has already completed 14 years, 8

months and 15 days sentence without remission. In the circumstances, the said petitioner is directed to

be released forthwith if not required in any other case. We are passing this order as we have passed

orders in similar situation earlier.

The petition as against other petitioners shall stand dismissed.

.....J.

(K.G. BALAKRISHNAN)

.....J.

(P . P . NAOLEKAR)

NEW DELHI ;

23RD SEPTEMBER , 2005