ºITEM NO.54 COURT NO.6 SECTION II

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 OF 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 S.L.P(Crl) NO. 4138 of 2004

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

(With office report)

S.L.P(Crl) NO. 4139 of 2004

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

(With office report)

S.L.P(Crl) NO. 4140 of 2004

(With office report)

Date: 07/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Ms. Eliza Rumthao, Adv.

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

Mr. Anil Kumar Karnwal, Adv. (A.C.)

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

Ms. Neeru Vaid, Adv.(A.C.)

For Respondent(s)

Mr. Ravi Prakash Mehrotra,Adv.

Mr. Garvesh Kabra, Adv.

UPON hearing counsel the Court made the following

O R D E R

S.L.P(Crl) NO. 4135 of 2004

Four weeks' time is granted to the respondent-State for filing affidavit.

...2/-

S.L.P(Crl) NO. 4140 of 2004

Learned counsel for the State submits that the petitioner Chander Prakash Singh has already been released on 11th May, 2004 and the petition has become infructuous. The special leave petition is dismissed as

having become infructuous.

S.L.P(Crl) NO. 4139 of 2004

Shiv Pal s/o Bhani has already undergone more than 14 years imprisonment as on 10.11.2004. The petitioner was released from jail on 26.1.2000 pursuant to the order of the Governor of U.P. Thereafter the petitioner was arrested pursuant to the impugned judgment. In the similar matter we have released other convicts. Petitioner Shiv Pal is directed to be released forthwith, if not required in any other case. The special leave petition is disposed of accordingly.

S.L.P(Crl) NO. 4138 of 2004

Learned counsel for the respondent-State has filed an affidavit in respect of petitioner no.1 Nomi Lal s/o Diwan to the effect that he had undergone imprisonment for 9 years one month and 29 days as on 17.12.2004, therefore, he is not entitled to be released. As against petitioner no.1, the special leave petition is dismissed with liberty to move at an appropriate time.

As regards other petitioners the respondent-State is directed to file

fresh affidavit, indicating the period of imprisonment already undergone, within a period of four weeks.

R.K. DHAWAN) (VEERA VERMA)

COURT MASTER COURT MASTER