

ITEM NO.37

COURT NO.13

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(s) for Special Leave to Appeal (Crl.) No(s).3899/2013

(Arising out of impugned final judgment and order dated 05/09/2012 in CRLA No.3402/2012 passed by the High Court Of Judicature at Allahabad)

BEGUM W/O KAMAR DULE

Petitioner(s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent(s)

(With appln. (s) for cancellation of bail and c/delay in filing SLP and c/delay in refiling SLP and exemption from filing O.T. and office report)

WITH SLP(Crl) Nos.5873-5874/2013

(With appln.(s) for c/delay in filing SLP and appln.(s) for exemption from filing O.T. and appln.(s) for cancellation of bail and Office Report)

Date : 19/09/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s) Mr. (Mohd.) Sajid, Adv.  
Mr. M. M. Kashyap, Adv.

Mr. Nagendra Rai, Sr. Adv.  
Mr. T. N. Singh, Adv.  
Ms. Rajshree Singh, Adv.

For Respondent(s) Mr. Pramod Swarup, Sr. Adv.  
Mr. Ashotosh Kr. Sharma, Adv.  
Mr. Anuvrat Sharma, Adv.

Mr. Nagendra Rai, Sr. Adv.  
Mr. T. N. Singh, Adv.  
Mr. V.K. Singh, Adv.

Mr. Anil Kumar Tandale, Adv.

Mr. (Mohd.) Sajid, Adv.  
Mr. M.M. Kashyap, Adv.

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

The respondents-accused in SLP(Crl.) No.3899/2013 were convicted by the Additional Sessions Judge, Badaun, Uttar Pradesh, for offences punishable under sections 302 and 307 read with section 34 of the Indian Penal Code and sentenced them to undergo imprisonment for life and pay fine of Rs.50,000/- with default clause.

The respondents-accused in SLP(Crl.) Nos.5873-5874/2013 were convicted by the Additional Sessions Judge, Badaui, Uttar Pradesh, for offences punishable under sections 302 and 148 of the Indian Penal Code and sentenced them to undergo imprisonment for life and pay fine of Rs.50,000/- with default clause and one year rigorous imprisonment along with fine and default clause, respectively. However, sentences were directed to run concurrently.

Dissatisfied with their conviction and sentence, as aforestated, the respondents-accused preferred appeals before the High Court of Judicature at Allahabad along with their application for grant of bail.

The High Court while admitting the appeal granted the respondents-accused bail by the impugned orders dated 05.09.2012, 31.08.2012 and 04.09.2012, during the pendency of the appeals before it. Aggrieved by the same, the complainant/Informant have filed the instant special leave petitions for cancellation of the bail.

Delay condoned.

Learned counsel appearing for the petitioners supported by the learned Senior Counsel appearing for the State submits that several criminal cases have been pending against the respondents-accused. The High Court without considering the reasons for grant of bail has passed the aforesaid impugned orders.

Having heard learned counsel appearing for the parties, we are of the view that if the submissions of the learned counsel appearing for the petitioners are correct, the petitioners may file their respective applications for cancellation of bail of the respondents-accused before the High Court itself.

Needless to say that in case such applications are filed, the High Court shall dispose of the same after considering the entire facts of the case and the principles laid down by this Court as to under what circumstances the bail can be cancelled.

It is made clear that we have not expressed any opinion in regard to the merit of the case.

Accordingly, these special leave petitions stand disposed of.

(SANJAY KUMAR)  
COURT MASTER

(SNEH LATA SHARMA)  
COURT MASTER