

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).4972/2013

(From the judgement and order dated 12/03/2013 in CRLR No.683/2013, of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MOHD. YAMEEN

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T. and ex-parte stay and stay of arrest)

Date: 14/06/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE MADAN B. LOKUR
(VACATION BENCH)For Petitioner(s) Mr. S.G. Hasnain, Sr. Adv.
Mr. Vijay Kumar, Adv.
Ms. Sangeeta Kumar, Adv.

For Respondent(s)

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

Having heard learned counsel for the petitioner, we do not consider it fit to entertain this special leave petition in view of the observation of the High Court that the two co-accused persons have named the petitioner regarding his involvement in the killing of the deceased. However, learned counsel for the petitioner has submitted that he has specific evidence in favour of the petitioner indicating that he was posted at Agra on the relevant date and time of occurrence as a Constable and has sufficient proof in this regard. According to him the petitioner has been involved on account of the enmity of his father in law with the deceased and, therefore, he has submitted that in case he is made to surrender, he is bound to lose his job at least by way of his suspension.

Considering the aforesaid facts, we direct the petitioner to move the trial court for examination of his plea of alibi seeking interim protection, if he is so entitled. For this purpose, we grant him fifteen days time to move the trial court. In the meantime, he shall not be arrested.

The special leave petition is dismissed with the aforesaid liberty.

| (S.K. Rakheja)
| Court Master| | (S.S.R. Krishna)
| | Court Master

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