

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. 5002/2002

(From the judgement and order dated 27/09/2001 in CRMWP 5039/00  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

SHAMIM AHMED &amp; ORS.

Petitioner (s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent (s)

( With Appln(s). for stay and exemption from filing O.T. and  
deletion of the name of respondent and modification of Court's Order and impleading party and  
office report)

( For Final Disposal )

With Crl.M.P. 7808/03 (Appln. for directions)

With

SLP(Crl.)No.5005/2002 SLP(Crl.)No.5017/2002

(With appln. for stay and exemption from filing O.T. and office report)

(For final disposal)

SLP(Crl.)No.2404/2002

(With appln. for bail and deletion of the name of Respondent 7 to 18)

(For final disposal)

SLP(Crl.)No.5020/2002

( With Appln(s). for exemption from filing c/c of the impugned judgment and  
directions and deletion of the name of respondent and office report)

( For Final Disposal )

SLP(Crl.)No.5018/2002,

(With appln. for stay and exemption from filing O.T.) (for final disposal)

SLP(Crl.) 5019/2002

( With Appln(s). for stay and exemption from filing c/c of the impugned judgment and exemption  
from surrendering and exemption from filing O.T. and office report)

( For Final Disposal )

SLP(Crl.)No.5006/2002

(With appln. for stay and office report)(For final disposal)

SLP(Crl.)No.5010/2002

( With Appln(s). for stay and exemption from filing O.T. and bail and exemption from filing c/  
c of the impugned judgment and

deletion of the name of respondent and office report)

( For Final Disposal )

SLP(Crl.)No.5013/2002,

(With office report) (For final disposal)

SLP(Crl.)No.1876/2002,

(With appln. for stay and deletion of the name of respondent and office report)(For final disp  
osal)

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SLP(Crl.)No.1190/2003,

( With Appln(s). for exemption from filing c/c of the impugned judgment and exemption from fil  
ing O.T. and c/delay in filing SLP and office report)

SLP(Crl.)No.451/2003,

SLP(Crl.)...CRLMP 4546/2003,

(For permission to file SLP and stay of arrest and office report)

SLP(Crl.).../2003

With CRLMP 4922/2003 (c/delay in filing SLP)

W.P(Crl.)No.7/2003

(With appln. for stay and office report)

Date : 05/09/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. Badri Prasad Singh, Adv.  
Mr. Pranesh, Adv.

Mr. Jetendra Singh, Adv.  
Mr. S.K. Sabharwal, Adv.

Mr. Vijay Kumar, Adv.  
Mr. Ashish Verma, Adv.  
Ms. Kiran Suri, Adv.

Dr. Indra Pratap Singh, Adv.  
Ms. Rachna Gupta, Adv.

Mr. Imtiaz Ahmed, Adv.  
Mrs. Naghma Imtiaz, Adv.  
Mr. Abdul Hafiz, Adv.  
Mr. V.N. Raghupathy, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. R.C. Verma, Adv.  
Mr. K.C. Lamba, Adv.  
Mr. B.B. Sinha, Adv.  
Mr. M.P. Shorawala, Adv.

Ms. Minakshi Vij, Adv. (A.C.)

Mr. Jai Prakash Narayan Gupta, Adv. (A.C.)  
Mr. Pankaj Kumar Singh, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Amit Kumar, Adv.

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Mr. S.C. Maheshwari, Sr. Adv.  
Mr. Ashok Kumar Sharma, Adv.  
Mr. K.K. Mishra, Adv.

For Respondent (s) Mr. Shiva Pujan Singh, Adv.  
Ms. Niranjana Singh, Adv.

Ms. Nidhi Pandey, Adv.  
Mr. G.H. Mirza, Adv.

Mr. Ravi Prakash Mehrotra, Adv.  
Mr. Garvesh Mabra, Adv.

Mr. P.K. Jain, Adv.  
Dr. S.K. Verma, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(Cr1) 5002/02

Learned counsel for the petitioners prayed that the petitioner Nos.19 & 24 Ranjit Singh s/o Mushi and Ajay Kumar s/o Jairam may not be arrested pursuant to the orders passed by the High Court. It is submitted by the counsel that they had already undergone sentence for a period of 14 years without remission.

Learned counsel for the State filed statement to the fact that on verification of the jail records it is proved that these two petitioners have undergone 14 years actual period of sentence. In view of the said fact, we direct that these two petitioners shall not be arrested pursuant to the order passed by the High Court.

Petitioner nos.1,6, & 11 - Shamim Ahmad,Rajbeer Singh & Inderdutt have not surrendered inspite of directions passed by this Court. State to take fresh steps to arrest.

Cr1.MP 7808/03

Issue notice returnable within a period of three weeks.

....4/-

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Dasti service, in addition, is permitted.

SLP(Cr1) 5005/02

Learned counsel for the petitioners prayed that the petitioner Nos.1 to 5, 8 to 12 and 15 to 27 have completed 14 years imprisonment without remission. Learned counsel for the State has filed an affidavit and a chart intimating that these petitioners have undergone sentence for 14 years without remission.

Shri Krishan s/o Shri Parmeshwar,P-1, Shri Puttan s/o Shri Sakte, P-2, Shri Ram Pratap Singh s/o Shri Jagmohan Singh,P-3, Kallu alias Shrawan Kumar s/o Ramadhar, P-4, Shiv Kumar Singh s/o Sarju Singh, P-5, Shyam Parkash s/o Shri Putnu Lal, P-8, Shiv Bhagwan s/o Shri Arjun, P-9, Rohan Lal s/o Shri Ramvilas, P-10, Lallan Singh s/o Shri Sheetla Bux Singh, P-11, Barati Lal s/o Tankan Gram, P-12, Sabbir s/o Tehnoor, P-15, Kallu Khan s/o Thnoor, P-16, Niyaz s/o Shri Mohamad Shah, P-17, Kifayat Ullah s/o Mohamad Shah, P-18, Bharat s/o Rameshwar, P-20, Bharose s/o Makhan, P-21, Ratnu s/o Mumru, P-22, Tribhuvan s/o Motilal, P-23, Babu s/o Shri Jaiaram, P-24, Prem Parkash s/o Sh. Laxmi Narain, P-25 and Ashok Kumar Sharma s/o Shamber Lal Sharma, P-26 are directed to be released from jail if not required in any other case.

As regards Petitioner No.19 Kamlesh Singh s/o Shri Shitla Bux and Petitioner No.27 Amodh Kumar Pathak s/o Ram Shankar Pathak, it is submitted that they have undergone sentence for 14 years without remission. We direct that they shall not be arrested pursuant to the order passed by the High Court.

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SLP(Cr1) 5020/2002

Learned counsel for the petitioners prayed that the petitioner Nos.3 to 7 have completed 14 years imprisonment without remission. Learned counsel for the State has filed an affidavit and a chart intimating that these petitioners have undergone sentence for 14 years without remission.

Jagveer Singh s/o Ichha Ram,P-3, Saabir s/o Mohammad, P-4, Ameera s/o Chunna, P-5, Islaam s/o Chhidda, P-6 and Alisain s/o Kaadim, P-7 are directed to be released from jail if not required in any other case.

SLP(Cr1) 5006/02

Learned counsel for the petitioners prayed that the petitioner Nos.1 to 3 have completed 14 years imprisonment without remission. Learned counsel for the State has filed an affidavit and a chart intimating that these petitioners have undergone sentence for 14 years without remission.

We direct that Petitioner Nos.1 to 3 Panna Lal s/o Har Lal, Amar Singh S/o Sh. Kanchan Singh and Ramji Lal s/o Beni respectively shall not be arrested pursuant to the order passed by the High Court.

SLP(Cr1) 5013/02

Learned counsel for the petitioner prayed that the petitioner Narbda Prasad Dube has completed 14 years imprisonment without remission. Learned counsel for the State has filed an affidavit and a chart intimating that the petitioner has undergone sentence for 14 years without remission.

We direct that Petitioner Narbda Prasad Dube s/o Late Shri Ram Lakhan Dube be released from jail if not required in any other case.

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W.P.(Cr1) 7/2003

Learned counsel for the State admits that the petitioner Satyapal Singh has undergone sentence for 19 years, 6 months and 22 days without remission.

We direct that Petitioner Satyapal Singh s/o Molhad Singh shall not be arrested pursuant to

the order passed by the High Court.

SLP(Crl) 1190/2003

Learned counsel for the petitioners prayed that the petitioner Nos.1 to 3 have completed more than 14 years imprisonment without remission. Learned counsel for the State has filed a chart intimating that these petitioners have undergone sentence more than 14 years without remission.

We direct that Petitioners Babbu @ Yaseen s/o Hhura, Shafeeq s/o Late Saeed and Jaiveer s/o Late Amichand Singh be released from jail if not required in any other case.

Crl.MP.4546/2003 in & SLP(Crl).../2003

Issue notice returnable within three weeks.

Dasti service, in addition, is permitted.

SLP(Crl) CRLMP.4922/2003

Issue notice on the application for delay as well as on the special leave petition returnable within three weeks.

Dasti service, in addition, is permitted.

SLP(Crl) 2404/02, SLP(Crl) 5017/02, SLP(Crl) 5019/02, SLP(Crl) 5010/02, SLP(Crl) 1876/02 & SLP(Crl) 451/03

Post along with main matter.

.....7/-

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SLP(Crl) 5018/02

Three weeks time is granted to the learned counsel for the State as he wants to seek instructions.

Learned counsel for the State is directed to file the chart intimating therein the petitioners who have undergone sentence more than 14 years without remission.

(R.K. DHAWAN)

(VEERA VERMA)

COURT MASTER

COURT MASTER