

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. 2404/2002

(From the judgement and order dated 27/09/2001 in CRMWP 5039/2000
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

Munna

Petitioner (s)

VERSUS

The State of U.P. & Ors.

Respondent (s)

(With appln. for bail) (For final disposal)

With

SLP(Crl.)No.1876/2002, SLP(Crl.)No.2404/2002, SLP(Crl.)No.3604/2002,
SLP(Crl.)No.5010/2002, SLP(Crl.)No.5013/2002, SLP(Crl.)No.D250/2003,
SLP(CRL) No.5019/2002

(With appln.for bail,stay..exem.from filing O.T.,c/delay,O.R.)
(For final disposal)

Date : 17/01/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)

M/s. Vijay Kumar, Ashok Verma and Ms.Kiran
Suri, Advs.
Mr. M.P. Shorawala, Adv.

M/s.Imtiaz Ahmed, Mrs.Naghma Imtiaz and
Mr. V.N. Raghupathy, Advs.
Ms. Minakshi Vij, Adv.(A.C.)

Mr. B.P. Singh, Adv.

M/s. Jai Prakash Narayan Gupta, P.K.Singh,
G.S.Rao, Advs.

M/s. R.C.Verma, B.B.Sinha and K.C.Lamba, Advs.

For Respondent (s)

M/s. Shiva Pujan Singh, Nidhi Pandey,
Ms. Niranjana Singh, & Mr. G.H.Mirza, Advs.
Mr. Pramod Swarup, Adv.

M/s.Pramod Swarup, Preen Swarup & Praveen
Swarup, Advs.

.....2/-

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

SLP(CRL) No.3604/2002: Leave granted. Appellant be released forthwith in terms of the signed order. The appeal is disposed of.

Rest of the matters & SLP(CRL)NO.5006/2002 and other connected matters (nos. to be supplied by the counsel) to be listed on next Friday (24.1.2003).

.SP1

(Y.P.Dhamija)
Court Master

(Vijay Aggarwal)
Court Master

.PA

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
.PL56

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.66/2003@@

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(arising out of SLP(Cr1) NO.3604/2002)

Vijay Bahadur

....Appellant(s)

Vs.

State of U.P. & Ors.

....Respondent(s)

O R D E R@@
EEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

The appellant herein was convicted for the offence under section 302 IPC and while undergoing the sentence, the respondent- State of Uttar Pradesh passed a general order by which the prisoners were given remissions and the appellant was released from jail. This Government Order was challenged by the 7th respondent herein and the Division Bench of the Allahabad High Court quashed the Government Order by which the remissions were granted and this judgment by the Division Bench is challenged in a series of Special Leave Petitions filed before this Court. The High Court was of the view that premature release of prisoners is wholly against public interest and it was arbitrary exercise of power.

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In the instant case, the State Government has filed a counter affidavit dt 6.10.2002. In paragraph 5 of the counter affidavit, it is stated that the appellant herein, Vijay Bahadur, has undergone, without remission 17 years, 7 months and 9 days and with remission 25 years, 4 months and 29 days. It is clear that in this case as the appellant has undergone sufficiently long period in jail, the remission granted to him does not appear to be illegal. We are told that pursuant to the impugned judgment, the appellant had been taken into custody on 27.4.2002 and he is in jail. Without expressing anything on merits regarding the impugned judgment, We direct that the appellant herein be released forthwith if he is not required in any other case.

The appeal is disposed of.

.SP1

.....J.
(K.G. BALAKRISHNAN)@@
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NEW DELHI,
JANUARY 17, 2003

.....J.
(ARUN KUMAR)