

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).5863/2012

(From the judgement and order dated 04/04/2012 in CRLA No.1313/2012, of  
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

LOKESH KUMAR

Petitioner(s)

VERSUS

STATE OF U.P.AND ORS.

Respondent(s)

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

Date: 25/10/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr.Imran K. Burney, Adv.  
Mr. Robin D. Khoker, Adv.  
Mr. F.A. Siddiqui, Adv.  
Mr. Anil K. Chopra,Adv.

For Respondent(s) Mr. Sarad Kumar Singhania,Adv.  
Mr. K.K. Sharma, Adv.  
Ms.Rashmi Singhania, Adv.  
  
Mr. Vijay Kumar Shukla, Adv.  
Mr. Ram Kishor Singh Yadav, Adv.  
Mr. Abhishth Kumar ,Adv

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

Leave granted.

The appeal is allowed in terms of the signed order.

[ Usha Bhardwaj ]  
A.R-cum-P.S.

[ Sneh Lata Sharma ]  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1878 OF 2013  
(Arising out of SLP (Crl) No.5863 of 2012)

Lokesh Kumar

.. Appellant(s)

Versus

State of U.P. & Ors.

.. Respondent(s)

O R D E R

Heard learned counsel for the appellant who is the complainant, for State of U.P. as well as other respondents who are the accused.

(2) Leave granted.

(3) The accused respondents were charged for various offences under Sections 148, 149, 302, 307, 324, 324 and 506 IPC in Case Crime No.376A of 2008 at Police Station Parikshitgarh, District Meerut. The Sessions Court convicted them under Section 304 amongst others and sentenced them for 7 years rigorous imprisonment. The respondents-accused have filed an appeal which is pending in the High Court. We are told that the accused were in custody for about 40 days only. During the course of that appeal, the respondent-accused have been released on bail and therefore the complainant has filed the present special leave petition.

(4) The counsel for appellant has pointed out that ..2/-

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the High Court has released the respondents-accused essentially on the ground that the matter will take good time for hearing, but after this order of release was passed on 4th April, 2012 the accused have threatened to kill the complainant and the complainant has lodged a complaint at the concerned police station on 30.04.2012 accordingly. A counter affidavit has been filed in the present matter in which there is no specific denial to this complaint. That being so, we allow this appeal and set aside the order of the High Court. The accused will surrender at the concerned police station within a period of four weeks from today. We leave it open to the accused to apply for appropriate bail order after one year if there is no progress in the hearing of the appeal.

The appeal is allowed.

.....J.  
[H.L. GOKHALE ]

.....J.  
[J. CHELAMESWAR]

NEW DELHI,  
OCTOBER 25, 2013.