

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. 7118/2001

(From the judgement and order dated 08/11/2001 in CRLMC 5232/01
of The HIGH COURT OF U.P AT LUCKNOW)

STATE OF U.P.

Petitioner (s)

VERSUS

MITRASEN YADAV

Respondent (s)

With
SLP(Crl.)No.7099/2001
(With appln.(s) for ex-parte stay and exemption from filing c/c
of the impugned judgment)

Date : 16/01/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Jaspal Singh,Sr.Adv.
in 7118/01 Mr. A.S. Pundir,Adv.

in 7099/01 Mr. Subodh Markandeya,Sr.Adv.
 Mr. Kamlendra Mishra,Adv.

For Respondent (s) Mr. Kapil Sibal,Sr.Adv.
 Mr. KK Tyagi,Adv.
 Mr. Iftekhhar Ahmed,Adv.
 Mr. P. Narasimhan,Adv.

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

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The order granting bail has been passed by the High Court. It is within the discretion of the High Court, particularly when the offence pitted against the respondent is under Section 395 of the Indian Penal Code. The maximum sentence prescribed thereon is imprisonment for ten years.

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Mr. Jaspal Singh, learned senior counsel appearing for the State of Uttar Pradesh submitted that reports have reached the State that respondent is interfering with the investigation. If there is any such report, it is open for the

State to move the High Court for imposing conditions for bail. Mr. Subodh Markandeya, learned senior counsel appearing for the informant in the petition submitted that complainant may move the High Court for cancellation of the bail. Mr. Kapil Sibal, learned senior counsel appearing for the respondent invited our attention to the number of criminal cases in which the complainant was involved earlier and now. We wish to refrain from making any submission on the antecedents of either party shown before us. We dispose of these Special Leave Petitions without prejudice to the right of the State of Uttar Pradesh for approaching the High Court for any relief which they think appropriate.

Special Leave Petitions are disposed of accordingly.

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(N.K. Goel)
Court Master

(H.K. Bhatia)
Court Master