

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO(S) 1663-1664 OF 2015

**ANIL KUMAR**

**APPELLANT(S)**

**VERSUS**

**THE STATE OF UTTAR PRADESH & ORS.**

**RESPONDENT(S)**

**WITH**

CRIMINAL APPEAL NO(S) 1665-1666/2015

CRIMINAL APPEAL NO(S) 1667-1668/2015

CRIMINAL APPEAL NO(S)1670/2015

**O R D E R**

CRIMINAL APPEAL NO(S) 1663-1664 OF 2015

These appeals have been filed by the complainant assailing the correctness of the judgment(s) and order(s) dated 20<sup>th</sup> August, 2010 passed by the High Court of Judicature at Allahabad whereby the High Court partly allowed the petition(s) under Section 482 of the Code of

Criminal Procedure<sup>1</sup> and quashed the charge under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (hereinafter referred to as 'Gangsters Act') on the finding that there was no evidence available on record with respect to the same, however, the charge relating to offences under the Indian Penal Code<sup>2</sup> will be continued to be tried. We have been informed that the trial under the charges relating to offences under the I.P.C. i.e. Section 302 and allied Sections, prosecution evidence has been recorded, examination under Section 313 Cr.P.C. recorded. Despite the fact that the case is for final hearing, the matter is being delayed at the instance of the accused.

Learned counsel for the appellant has sought to argue that the High Court committed an error in quashing the charge under the Gangsters Act.

It is always open to the authorities to register an independent FIR under the Gangsters Act if offences thereunder are made out and the accused be tried for the same.

It is also not an issue that a joint trial can also be held. The High Court, in the present case, found that the investigating agency, while collecting evidence, mainly focused on the offences under the IPC i.e. of murder and there was no evidence relating to the

1 Cr.P.C.

2 I.P.C.

Gangsters Act.

In the facts and circumstances, we are not inclined to interfere with the order of the High Court. We, however, leave it open to the State Authority to draw appropriate proceedings, if required and justified, under the Gangsters Act, considering the nature and number of offences by the accused.

We, however, feel that as the evidence is already concluded the trial court should proceed to hear the final arguments and conclude the trial at the earliest.

Learned counsel for the respondent(s)-accused stated that the delay is not on the part of the accused but the trial court itself is delaying the matter considering the volume of evidence collected and produced during the trial.

We are not concerned with the volume of the evidence collected. The fact remains that evidence has been recorded and the trial is at the stage of hearing. The same deserves to be concluded and judgment to be delivered at the earliest.

We, accordingly, direct the Trial Court to proceed with the hearing of the matter if necessary, on day to day basis, and conclude the same by delivering the judgment within a period of four months from the date a certified

copy of this order is produced before the Trial Court.

With the aforesaid observations, these appeals stand disposed of.

Pending application(s), if any, shall stand disposed of.

CRIMINAL APPEAL NO(S) 1665-1666/2015 AND 1667-1668/2015

These set of appeals have also been filed by the complainant assailing the bail orders passed by the High Court granting bail to the respondent(s).

The bail was granted in the year 2015 or before that, as such, we are not inclined to interfere with the same at this stage and accordingly, dismiss the aforesaid appeals.

Pending application(s), if any, shall stand disposed of.

CRIMINAL APPEAL NO(S)1670/2015

This appeal has been filed assailing the correctness of the order dated 31.10.2013 passed by the High Court of Judicature at Allahabad in Criminal Revision No. 4425/2010 whereby the trial court i.e. the Special Judge, Gangsters Act, had rejected an application moved by the accused to the effect that it has no jurisdiction to proceed with the case under the offences of the I.P.C. which had been

rejected by the Trial Court. The High Court by the impugned order issued four directions which are reproduced hereunder :-

"I. That charges framed against the revisionist and similarly situated accused persons are quashed but the revisionist and similarly placed other accused shall not be deemed to be discharged.

II. The learned Special Judge is directed to send the entire records to the court of learned Sessions Judge, Meerut who will proceed further as if he has taken cognizance of the case under Section 193 Cr. P.C. after its committal under Section 209 Cr.P.C. by a competent Magistrate.

III. The learned Sessions Judge concerned may try the sessions trial himself or may transfer it to some other court of Additional Sessions Judge competent to try such case.

IV. The learned Sessions Judge or the transferee Additional Sessions Judge (as the case may be) shall hear the accused persons as well as the prosecution at the stage of framing of charges and thereafter proceed further in accordance with law."

Having perused the said directions, we do not find any infirmities in the said directions. The appeal lacks merit and is accordingly, dismissed. These directions were stayed by this Court but in view of the dismissal of this appeal, the proceedings may now continue as per the directions.

Pending application(s), if any, shall stand disposed  
of.

..... J.  
[VIKRAM NATH]

..... J.  
[ AHSANUDDIN AMANULLAH]

NEW DELHI;  
JULY 19, 2023.

ITEM NO.115

COURT NO.12

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1663-1664/2015

ANIL KUMAR

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

WITH

Cr1.A. No. 1665-1666/2015 (II)

Cr1.A. No. 1667-1668/2015 (II)

Cr1.A. No. 1670/2015 (II)

Date : 19-07-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s) Mr. Radhakrishna S Hegde, Adv.  
Mr. Shanti Prakash, Adv.  
Mr. Rajeev Singh, AOR

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, A.A.G.  
Mr. Pradeep Misra, AOR  
Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.  
Mr. Manoj Kumar Sharma, Adv  
M/S. Equity Lex Associates, AOR

Mr. Ankur Yadav, AOR

Mr. Yadav Narender Singh, AOR

UPON hearing the counsel the Court made the following

**O R D E R**

**CRIMINAL APPEAL NO(S) 1663-1664 OF 2015**

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

**CRIMINAL APPEAL NO(S) 1665-1666/2015, 1667-1668/2015 AND 1670/2015**

The appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)  
COURT MASTER (SH)

(RANJANA SHAILEY)  
COURT MASTER (NSH)

[Signed Order is placed on the file]