

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 556 OF 2012  
(Arising out of SLP(Crl) No. 6370 of 2011)

SARVESH NARAIN SHUKLA

Appellant

VERSUS

STATE OF U.P. & ANR

Respondents

O R D E R

1. Leave granted.

2. This appeal is directed against an interim order passed by the High Court of Judicature at Allahabad in Application under Section 482 No. 23856 of 2010 dated 28.07.2010. By the impugned interim order, the High Court has directed that respondent no. 2 herein should be shifted from Fatehgarh Jail to Sant Ravidas Nagar, District Mirzapur.

3. We are told that the main petition filed by the second respondent under Section 482 of Code of Criminal Procedure, 1973 ('Code' for short) is still pending consideration before the High Court.

4. In our view, in a matter of this nature, the High ought not to have passed any interim orders pending disposal of the petition. The interim order passed is virtually the final order

2

and the same is impermissible. Accordingly, while allowing the appeal, we set aside the interim order passed by the High Court. However, we request the High Court to consider the application/petition filed by the respondent no. 2 under Section 482 of the Code in accordance with law after hearing all the parties.

5. Ordered accordingly.

