

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

S.L.P (CRIMINAL) NO..... OF 2017

(Arising out of CrI.M.P. No.4891 of 2017)

Ramu & another

...Petitioners

VERSUS

State of U.P.

....Respondent

O R D E R

Delay condoned.

Heard the learned counsel for the petitioners and perused the order impugned rejecting the prayer for their release on bail pending disposal of their appeal against their conviction under Sections 148, 302 read with Section 149 of the Indian Penal Code recorded by the Trial Court by its judgment and order dated 20.01.2007. Noticeably, the incident is of 22.09.2005 and the appeal filed by the petitioners against their conviction is of the year 2007.

On a consideration of the materials on record to the extent necessary at this stage and qua the prayer for bail, we are not inclined to interfere with the order impugned. However, having regard to the insistent plea on behalf of the petitioners to indicate a time frame for the disposal of the appeal, we request the High Court, having regard to the singular facts and

circumstances of the case, to decide the appeal within a period of four months herefrom. In making this request, we have taken note of the persistent submission on behalf of the petitioners that having regard to the huge pendency of cases including criminal appeals before the High Court, it would in normal course of things, take several more years for the disposal of the appeal in hand. As it is, a decade has already passed since the institution of the appeal. The reliefs prayed for in the instant petition thus stand addressed in the above terms.

2. The phenomenon of mounting pendency and discomfiting delay in disposal of cases, both before the District Courts and the High Courts of the country, has by this time received the concerned attention of this Court on umpteen occasions and from time to time in several cases, exhaustive directions of general nature have been issued to ameliorate the situation in the overwhelming perspective of the right to speedy trial and disposal of criminal appeals as ingrained in Article 21 of the Constitution of India. As recent as in Hussain & Anr. Vs. Union of India - Criminal Appeal No.509 of 2017 rendered on 09.03.2017, this Court on an in-depth examination of all relevant aspects on the issue and also after taking cognizance of the steps already initiated by the judiciary, both at the District and the High Court levels, has issued directions to achieve speedy disposal of trials and appeals specially of the long pending cases as mentioned therein on the basis of action plans to be formulated

and monitored by the High Courts.

3. With due deference to the ongoing efforts as referred to hereinabove and noticing that the initiatives directed are more or less general in nature and in contemplation of a scrutiny in consolidation of the same, we had requested Mr. C.U. Singh and Mr. Shyam Divan, Senior Advocates of this Court to offer their responses and recommendations for outlining specific guidelines based on the recorded statistics of pending criminal appeals, to start with, as a pilot project, of the High Court of Allahabad. The choice of the High Court, we may clarify, is only in view of the extent of pendency and the frequently expressed concern over the relatively longer disposal time in the adjudication of the criminal appeals before it, which as well is noticeable from the contemporaneous records. We wish to state that the selection of the High Court by no means is an indication of any deficiency in the functioning or the ongoing endeavours on its part in addressing the issue and ought to be viewed as a step, if possible, to reinforce the same in the espousal of a public cause founded on the cherished right of personal liberty, however in accordance with law.

4. It is a common experience that the jails in the country are generally overcrowded and the living conditions thereof, barring a few, are poor, nay pitiable, very often exposing the inmates to dehumanizing compulsions. Not only the custodial restraint of those detained has to be sanctioned by law, any

undue and unjustified delay in the redressal processes initiated by them would have the potential of their detention being adjudged as violative of their constitutionally secured right to fair and speedy justice. Though the delay in disposal of the trials and the appeals, in varying degrees, may be traceable to several causes e.g. infrastructural, logistical and otherwise, the spectre of prolonged pendency thereof for years together is a distressful reality. There are instances where the criminal appeals against conviction have been and are being rendered infructuous, the convict appellants having during the pendency thereof served the terms of imprisonment imposed on them. Qua, a life convict as well, a delay of 15 to 20 years in the disposal of his appeal against conviction would for all practical purposes frustrate his challenge thereto.

5. Situated thus, though we are not unmindful, to reiterate, of the ongoing endeavours in all relevant quarters to ensure expedition and alacrity in the matter of disposal of old pending trials and appeals and without being critical or censorious of any one or institution in particular, we are of the view that it is imperative for this Court to initiate a target specific exercise and for the purpose obtain and analyze the relevant datas at the first instance, with regard to the pendency of the criminal appeals before the Allahabad High Court and in conjunction therewith examine the feasibility to launch & monitor effective remedial steps to expedite the hearing and disposal

thereof by way of a collaborative institutional enterprise to mitigate the long standing hardship of the incarcerated and address their expectation of timely attention to their causes in accordance with law.

6. In the above premise, we therefore direct the Registrar General of the Allahabad High Court, to start with, to furnish to this Court, within a period of four weeks, the following information:-

- (i) Particulars of the criminal appeals category wise pending before the High Court year wise with the stage(s) thereof.
- (ii) Institution and disposal statistics of last 10 years.
- (iii) Average disposal time of the appeals.
- (iv) The identified causes for the delay.
- (v) Steps already taken and in contemplation for tackling such causes and accelerating the disposals.
- (vi) Mechanism in place to oversee the process.
- (vii) Progress recorded.

7. The Registry would communicate this order to the Registrar General of the Allahabad High Court forthwith and would lay this matter after four weeks along with the report sought for. Further orders as would be considered appropriate, would be passed on the next date.

.....J.

(J. CHELAMESWAR)

.....J.

(ABHAY MANOHAR SAPRE)

.....J.

(AMITAVA ROY)

NEW DELHI;

MARCH 31, 2017

ITEM NO.13

COURT NO.3

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

Petition(s) for Special Leave to Appeal (Crl.)..... CRLMP No(s).  
4891/2017

(Arising out of impugned final judgment and order dated 10/12/2015  
in CRLMA No. 124043/2014 10/12/2015 in CRLA No. 430/2007 passed by  
the High Court Of Judicature at Allahabad, Lucknow Bench)

RAMU AND ANR

Petitioner(s)

VERSUS

STATE OF UP

Respondent(s)

(with appln. (s) for c/delay in filing SLP)

Date : 31/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE  
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Dushyant Parashar, Adv.  
Mr. Surya Kant, Adv.  
Mr. Pranav Vyas, Adv.  
Ms. Satyam Tiwari, Adv.

For Respondent(s)

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

Delay condoned.

The Court passed the following order in terms of the  
signed order:-

"The Registry would communicate this order  
to the Registrar General of the Allahabad  
High Court forthwith and would lay this  
matter after four weeks along with the report  
sought for. Further orders as would be  
considered appropriate, would be passed on  
the next date."

(DEEPAK MANSUKHANI)

AR-cum-PS

(SAROJ KUMARI GAUR)

Court Master

(Signed order is placed on the file)