

ITEM NO.201

COURT NO.8

SECTION II

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).7930/2007

(From the judgement and order dated 03/10/2007 in CMBA No.
22313/2007 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

VIJAY KUMAR GUPTA

Petitioner(s)

VERSUS

SANJAY SAHU & ANR.

Respondent(s)

(With appln(s) for exemption from filing O.T., cancellation of
bail and office report)

WITH SLP(Crl) NO. 6695 of 2008

[VIJAY KUMAR GUPTA V. ASHOK SAHU & ANR.]

(With appln. for exemption from filing O.T., c/delay in filing
SLP, permission to file additional documents and office report)

[FOR FINAL DISPOSAL]

Date: 23/04/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s)

Ms. Manita Verma, Adv.

Mr. S.K. Sinha, Adv.

Mr. Pratik Gaurav, Adv.

Mr. Devashish Bharuka, Adv.

For Respondent(s)

Mr. S.R. Singh, Sr. Adv.

Ms. Sunita Pandit, Adv.

Mr. Avnish Singh, Adv.

Mr. H. Tyagi, Adv.

Mr. Ujjwal Pandey, Adv.

Mr. Abhishth Kumar, Adv.

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Mr. Shrish Kumar Misra, Adv.

Mr. Ajay Kumar Singh, Adv.

Mr. Amit Srivastava, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 876 OF 2010
ARISING OUT OF S.L.P. (CRL.) NO. 7930 OF 2007

VIJAY KUMAR GUPTA

..... APPELLANT

VERSUS

SANJAY SAHU & ANR.

..... RESPONDENTS

WITH
CRIMINAL APPEAL NO. 877 OF 2010
ARISING OUT OF SLP(CRL.) 6695 OF 2008

O R D E R

Delay condoned.

Leave granted.

We have heard the learned counsel for the parties.

From the allegations made here it is clear that two brothers of the complainant had allegedly been killed by Sanjay Sahu and Ashok Sahu, the respondents herein. We have seen the record and are of the opinion that the very grant of bail by the High Court was completely unjustified and uncalled for.

The learned counsel for the respondents has,

however, pointed out that after the grant of bail in
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the present matter the respondents had not misused the liberty granted to them. That may be so, but we cannot overlook the stark fact that the grant of bail to the accused-respondents by the High Court was on completely wrong assumptions. We, accordingly, allow the appeals, set aside the orders of the High Court and cancel the bail granted to the accused-respondents. We also direct that the completion of the proceedings in the sessions trial will be expedited. We clarify that any remark made herein will be construed as being for the purpose of the present proceedings only and will not influence the decision of the trial court in the trial.

.....J
[HARJIT SINGH BEDI]

.....J
[DEEPAK VERMA]

NEW DELHI
APRIL 23, 2010.