

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).9490/2008

(From the judgement and order dated 01/12/2008 in
of The HIGH COURT OF U.P AT LUCKNOW)

WP No. 10751/2008

MOHD. ISMAIL

Petitioner(s)

VERSUS

STATE OF U.P. & ORS. Respondent(s)
(With appln(s) for stay of arrest and office report)

Date: 01/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Gaurav Teotia, Adv.
Mr. Sanjeev Kumar, Adv.
Mr. Kamal Mohan Gupta, Adv.

For Respondent(s) Mr. R.K. Das, Sr. Adv.
Mr. Ravindera Kr. Verma, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

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

Leave granted.
The appeal is allowed and disposed of in terms
of the signed order.

(Manmohan Rawat) (Juginder Kaur)
Sr. P.A Court Master
(signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO (s). _____ OF 2010
(Arising out of SLP (Crl.) No. 9490 of 2008)

MOHD. ISMAIL

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated
1st December, 2008, passed by the Lucknow Bench of the Allahabad High
Court in Writ Petition No. 10751 of 2008 filed by the appellant
herein. The same was disposed of by the Division Bench of the said
High Court by directing the Trial Court to consider the applicant's
application for bail expeditiously, if he appeared and surrendered
within two weeks from the date of the order, in accordance with the

provisions of the Gangster and Anti Social Activities Prevention Act, 1986, hereinafter referred to as "the Gangster Act, 1986".

Having heard learned counsel for the respective parties and having perused the First Information Report in case Crime No. 683/2008, we are unable to hold that the allegations contained in the FIR would attract the provisions of the aforesaid Act, within the meaning of the definition of "Gang" in Section 2(6) of the said Act. In such circumstances, we allow the appeal to the extent that while considering the matter, the Trial Court shall not take into consideration the provisions of the said Gangster Act, 1986.

The appeal is disposed of accordingly.

.....J.
(ALTAMAS KABIR)

.....J.
(A.K. PATNAIK)

NEW DELHI,
SEPTEMBER 01, 2010.