



ITEM NO.46

COURT NO.14

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 (CrI.) No(s). 3915/2022

(Arising out of impugned final judgment and order dated 06-03-2020 in CRLMA No. 62655/2019 in CrI. A. No.2362/2006 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

KALLU

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(IA No. 62190/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 62189/2022 - EXEMPTION FROM FILING O.T. IA No. 62191/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 20-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali Khan, Adv.
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Saleem Khan, Adv.
Mr. Amar Kumar Raizada, Adv.
Mr. Neeraj Srivastava, Adv.

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, AAG
Mr. Adarsh Upadhyay, AOR
Ms. Priyanka Singh, Adv
Mr. Pranjal Sharma, Adv.

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

The petitioner has approached this Court challenging the order passed by the High Court dated 06.03.2020, thereby rejecting the application for suspension of sentence. Mr. Ardhendumauli Kumar



Prasad, learned AAG appearing for the State submits that the petitioner has chosen not appear when the appeal was listed for hearing and as such the bail application which was pending consideration was dismissed in default.

Normally, we would not have entertained such a petition, however, it is to be noted that it was Amicus Curiae who was appointed by the Court, did not appear on the scheduled date. In any case, the petitioner has already undergone a sentence of more than 17 years. In that view of the matter, we are inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on such terms and conditions as found appropriate by the trial Court.

Needless to say that the counsel for the petitioner shall prosecute the criminal appeal and remain present when it is listed for final hearing.

The Special Leave Petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)
Court Master

(Nidhi Bhardwaj)
Branch Officer