

ITEM NO.16 Court 6 (Video Conferencing) 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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 1577/2022

(Arising out of impugned final judgment and order dated 14-12-2021 in CRLA No. 1355/2007 passed by the High Court Of Judicature At Allahabad)

BASHDEV RAJBHAR Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH Respondent(s)
(FOR ADMISSION and I.R. and IA No.6188/2022-EXEMPTION FROM FILING O.T. and IA No.6190/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.6189/2022-EXEMPTION FROM SURRENDERING WITHIN TIME)

Date : 21-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.
Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Mr. Prateek Som, Adv.
Mr. Alok Pandey, Adv.
Mr. Vishrov Mukerjee, Adv.

For Respondent(s) Mr. Pramod Swarup, Sr. Adv.
Ms. Pareena Swarup, Adv.
Mr. Ameet Siingh, Adv.
Ms. Payal Swarup, Adv.
Mr. Syed Jafar Husain, Adv.
Mr. Shakti Vikram Srivastava, Adv.
Ms. Pooja Sharma, Adv.
Mr. Praveen Swarup, AOR

UPON hearing the counsel the Court made the following

O R D E R

Applications for exemption from filing official

translation and filing affidavit are allowed.

The complainant is present on caveat and thus, is impleaded as the second respondent.

Amended memo of parties be filed within a week.

Learned senior counsel for the petitioner contends that the conviction by the High Court is only under Section 436 of the IPC and that too with the aid of Section 149 IPC when the petitioner has no role as a member of the crowd so far as the offence under Section 436 IPC is concerned and the sentence imposed is of life imprisonment.

Issue notice.

Learned counsel for the caveater accepts notice.

Reply be filed within four weeks.

Rejoinder be filed within two weeks thereafter.

List after six weeks.

Learned counsel for the petitioner states that the petitioner was throughout on bail and is 70 years of age.

Thus, we consider appropriate to exempt the petitioner from surrendering at present but he shall report to the local police station on the first Monday of every month in the forenoon.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)