

ITEM NO.40

COURT NO.13

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). 3378/2022

(Arising out of impugned final judgment and order dated 26-11-2021 in U/S 482/378/407 No. 4829/2021 passed by the High Court of Judicature At Allahabad, Lucknow Bench)

MADARI SINGH ALIAS SHIV SHANKAR SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

(IA No. 53152/2022 - EXEMPTION FROM FILING O.T.)

WITH

SLP(CrI) No. 5293/2022 (II)

(FOR ADMISSION and I.R. and IA No.80334/2022-EXEMPTION FROM FILING O.T.)

Date : 21-08-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Pramod Swarup, Sr. Adv.  
Ms. Pareena Swarup, Adv.  
Mr. Ameet Siingh, Adv.  
Ms. Payal Swarup, Adv.  
Mr. Ravi Kumar, Adv.  
Mr. Rajat Deep Sharma, Adv.  
Ms. Pratishtha Majumdar, Adv.  
Mr. Devesh Maurya, Adv.  
Mr. Shashank Singh, Adv.  
Mr. Manoj Kumar Rajput, Adv.  
Mr. Praveen Swarup, AOR

For Respondent(s) Mr. Ardhdhumauli Kumar Prasad, A.A.G.  
Mr. Adarsh Upadhyay, AOR  
Ms. Sakshi Kakkar, Adv.  
Mrs. Mansa Singh, Adv.  
Ms. Pallavi Kumari, Adv.  
  
Mr. Md. Azam Ansari, AOR  
Mr. N U Ahmed, Adv.  
Ms. Sukrana Akhtar Choudhury, Adv.  
Mr. Md. Ashfaque Ansari, Adv.

Mr. P. A. Gogoi, Adv.  
Mr. Mohd. Shahnawaz Alam, Adv.

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

SLP (Cr1.) No. 3378 of 2022 has been filed by the petitioner - Madari Singh challenging the impugned order dated 26.11.2021 passed by the High Court rejecting the application for discharge by the Sessions Court on 24.03.2021, whereas SLP (Cr1.) No. 5293 of 2022 has been filed by Rakesh Singh (who is the son of petitioner Madari Singh in SLP (Cr1.) No. 3378 of 2022) challenging the impugned order dated 01.04.2022 passed by the High Court rejecting to quash the order passed by the Sessions Court on 15.02.2021.

While issuing notice on 22.04.2022 (in SLP (Cr1.) No. 3378/2022) and on 11.07.2022 (in SLP (Cr1.) No. 5293/2022, this Court directed that no coercive action shall be taken against the petitioners in connection with FIR No. 127/2003 registered at Police Station Hasanganj, Dist. Unnao, Uttar Pradesh. The said orders are in operation from the last about 16 and 13 months respectively.

During the course of hearing, it was brought to our notice that the trial is in progress and some evidence has been recorded in the trial. Considering the aforesaid, it would not be justifiable to decide the issue whether rejection of application for discharge was correct or not, in particular, when prosecution evidence has been started. Therefore, we are of the view that the trial, which is started, be now concluded within a period of nine months and the orders passed by this Court on 22.04.2022 (in SLP

(Cr1.) No. 3378/2022) and on 11.07.2022 (in SLP (Cr1.) No. 5293/2022 are made absolute, with a direction that the petitioners shall appear before the trial court within two weeks from today. On such appearance, they shall be released on Regular bail on such terms and conditions as deemed fit and on furnishing the bail bonds and surety before the trial court as directed. The petitioners have agreed that they shall cooperate for the expeditious disposal of the trial and shall not take unnecessary adjournments in the trial court.

Needless to observe that this Court has not expressed any opinion on the merits of the case. Therefore, the trial court shall conclude the trial on the basis of the evidence brought on record, uninfluenced by the order impugned passed by the High Court.

In view of foregoing, these Special Leave Petitions are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)  
BRANCH OFFICER