

ITEM NO.7

COURT NO.2

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 (Crl.) No(s). 4662/2015

(Arising out of impugned final judgment and order dated 09/04/2015 in CRLMW No. 8231/2015 passed by the High Court Of Judicature at Allahabad)

NARESH KRISHNA SOMANI AND ANR.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH AND ORS.

Respondent(s)

(with application for exemption from filing c/c of the impugned judgment and exemption from filing O.T. and interim relief and office report)

Date : 29/05/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. Sushil Shukla, Adv.
Mr. Abhinav Jain, Adv.
For Mr. Anil Kumar Tandale, Adv.

For Respondent(s)

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

The learned counsel for the petitioners refers to a Judgment of this Court in "Hema Mishra Vs. State of Uttar Pradesh & Ors." reported in (2014) 4 SCC 453 and submits that in exceptional circumstances, the High Court can grant protection from arrest in a petition filed under Article 226 of the Constitution, even in the absence of applicability of Section 438 of Cr. P.C. in respect of the State of Uttar Pradesh.

After going through the facts of the present case, we are, *prima facie*, of the opinion that the petitioners are entitled for interim protection.

Issue notice, returnable in four weeks.

Till the next date of hearing, the petitioners shall not be arrested in connection with FIR dated 31.12.2013 arising out of Case Crime No. 217 of 2013 under Sections 420/467/468/471/409/120-B/34 IPC, Police Station Swaroop Nagar, District Kanpur, U.P., if not required in any other case.

However, they shall join the investigation and cooperate with the Investigating Officer, as and when required.

(Jayant Kumar Arora)
Sr. P.A.

(Suman Jain)
Court Master