

Criminal Appeal No.2152/2013

SHEO NARAIN @ BARDI & ANR.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

ORIGINAL RECORD IN HC AND TC RECEIVED

IA No. 10530/2013 - GRANT OF BAIL

Date : 01-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVANFor Appellant(s) : Mr. Gaurav Lomes, Adv.
Mr. Dhroov K. Singh, Adv.
Ms. Radha Rajpur, Adv.
Mr. Yash Pal Dhingra, AORFor Respondent(s) : Mr. Akshay Amritanshu, AOR
Ms. Drishti Rawal, Adv.
Ms. Pragya Upadhyay, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Our order dated 16.01.2025 reads as under:

"1. The appellants before us are aged almost 80 and 83 years respectively. They stood convicted by the Trial Court for the offence of murder punishable under section 302 of the IPC. It appears that in all six accused were put to trial. Section 149 of the IPC was also one of the charges against the accused persons. Out of six, two have passed away, one was declared a juvenile and one is absconding till this date. The incident is of the year 1980. Almost 44 years have passed by. The two appellants before us have undergone around six and a half years of imprisonment.

2. In such circumstances, referred to above, we enquired with the learned counsel appearing for the State of U.P. whether the State would be willing to consider granting remission of sentence having regard to the time that has lapsed and more particularly the age of the two appellants.

3. Learned counsel for the State submitted that if a request is made for remission of sentence, the State

would definitely look into in accordance with its policy.

4. We are of the view that whether the Policy of the State permits remission in the facts and circumstances of the case or not, as a special case the State should consider the age of the two appellants and also the fact that the incident had occurred almost 44 years back.

5. We permit the appellants herein to file an appropriate representation/application addressed to the Competent Authority of the State and pray for remission of sentence. Such application shall be filed within a period of two weeks from today. Upon receipt of such representation/application, the Competent Authority Shall look into the same and take an appropriate decision more particularly, keeping in mind what has been observed by us in this order.

6. Post this matter after six weeks.

7. We are adjourning this matter for six weeks with a hope that Government shall take an appropriate decision and place it before us for our consideration."

2. In pursuance of our order referred to above, we are informed that the appellants have preferred a representation / application addressed to the Competent Authority of the State praying for remission of sentence.

3. The representation is dated 27.01.2025. However, the State does not seem to have taken any decision on such representation.

4. The State is directed to take appropriate decision on the representation dated 27.01.2025 and decide the same in accordance with law within four weeks from today.

5. If the State fails to take any decision then we shall ask a responsible officer to personally remain present before this Court and make us understand why our order has not been complied with.

6. Post it after Summer Vacation.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(POOJA SHARMA)
COURT MASTER (NSH)