

ITEM NO.104

COURT NO.14

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.119/2020

NOOR HASAN ALIAS NOORA

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

IA No. 130638/2019 - EXEMPTION FROM FILING O.T.

WITH

Crl.A. No. 1625/2021 (II)

IA No. 122428/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 122430/2021 - EXEMPTION FROM FILING O.T.

Date : 16-01-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN**

**For Appellant(s) : Mr. Rajesh Srivastava, AOR
Mr. Gaurv Varma, Adv.
Mr. Gaurav Verma, Adv.
Mr. Neeraj Dutt Gaur, Adv.**

**For Respondent(s) : Ms. Garima Prashad, Sr. A.A.G.
Dr. Vijendra Singh, AOR
Mr. Divyanshu Sahay, Adv.
Mr. Deepak Goel, Adv.
Mr. Ajay Kumar Prajapati, Adv.**

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

1. The appellants herein were put to trial for the offence of murder punishable under Section 302 of the Indian Penal Code, 1860 (for short the "IPC").
2. The trial court held them guilty of the alleged offence and sentenced them to undergo life imprisonment.
3. Both the appellants went before the High Court with their respective appeals. The appeals also came to be dismissed thereby affirming the judgement and order of conviction passed by the trial court.
4. We are informed that both the appellants have undergone almost 15 years of imprisonment.
5. Sometime in years 2020 and 2021 respectively, when the two appeals came to be admitted, both the appellants were ordered to be released on bail by this Court vide orders dated 15-01-2020 and 13-12-2021 respectively.
6. We inquired with Ms. Garima Prashad, the learned AAG appearing for the State of Uttar Pradesh that having regard to the fact that both the convicts have undergone almost 15 years of imprisonment whether the State would be willing to consider their plea for remission of sentence. Ms. Prashad submitted that for that the appellants will have to apply in accordance with

the rules governing remission.

7. Besides, according to Ms. Prashad, for the purpose of considering the plea of remission, the convict should be actually undergoing the sentence. In other words, he should be in actual imprisonment.

8. In the peculiar facts and circumstances of the case, instead of hearing the appeals on their own merit, which may consume substantial time, we permit the two appellants to apply for remission of their sentence with the appropriate government/appropriate authority within a period of 15 days from today.

9. Once the appropriate authority receives the representation or any application in this regard, let the same be processed at the earliest in accordance with law and the outcome shall be reported to this Court within a period of eight weeks.

10. If the plea for remission is accepted by the Government, then we need not have to adjudicate these appeals on merit.

11. At this stage, Ms. Prashad pointed out that one of the appellants, namely Shaukeen has, in fact, undergone 13 years, 10 months and 25 days of imprisonment as on 13th December, 2021. According to Ms. Prashad, he may not be entitled to remission of the sentence.

12. It shall be open for Shaukeen (appellant in Crl.A. No. 1625/2021) to point out to the authorities that in fact he has

also completed 15 years of sentence to enable him to seek remission of sentence.

13. Post it after eight weeks.

(CHANDRESH)
ASST.REG-CUM-P.S.

(POOJA SHARMA)
COURT MASTER (NSH)