

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4742/2023

(Arising out of impugned judgment and order dated 21-02-2023 in Application under Section 378 No. 17/2023 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

ARIF ANWAR HASHMI & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.76184/2023-EXEMPTION FROM FILING O.T.)

Date : 04-05-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Ravindra Singh, Sr. Adv.
Mr. Raman Yadav, Adv.
Mr. Syed Mehdi Imam, AOR
Mr. Sharad Chauhan, Adv.
Ms. Akriti Chaturvedi, Adv.
Mr. Priyam Kaushik, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Mr. Ravindra Singh, the learned senior counsel appearing for the petitioners submits that the property of the petitioners was attached under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (Gangsters Act) and on a challenge to the said action, the Special Judge, Balrampur, ordered for release of the said property through the order dated 23.12.2022 (Annexure P/7). Notwithstanding the fact that the Special Court's order does not relate to either acquittal or conviction but only

for release of the attached property, the High Court entertained the appeal under Section 378 of the Cr.P.C. read with Section 18 of the Gangsters Act. It is therefore argued that exercising of appellate power pertaining to acquittal, was not justified by the High Court.

Issue notice, returnable in four weeks.

Dasti, in addition, is also permitted.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR