



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No. OF 2024
(@ SLP(Criminal)No.11185 OF 2023)

ASHOK KUMAR & ANR.

PETITIONER(S)

VERSUS

STATE OF U.P.

RESPONDENT(S)

O R D E R

Leave granted.

Learned Senior Counsel, Shri Nagamuthu, appearing for the appellants urged to consider enlarging the appellants on interim bail. It is submitted that a bare perusal of the impugned judgment would reveal that, PW-5, whose evidence was mainly relied on to confirm the conviction of the appellants, his oral testimony in the trial of some of their co-accused conducted earlier, was looked into and his oral evidence in the concerned trial viz., S.T.No. 441 of 2007 was ignored. It is further submitted that as a matter of fact PW-5 turned hostile in the trial concerning the appellants and nothing could be elicited by the prosecutor, in favour of the prosecution, during his cross-examination.

Prima facie, the said contention got substance. After considering all aspects, we are of the considered view that the appellants are to be released on interim bail. In that view of the matter, the appellants are entitled to be released on interim bail, subject to the terms and conditions to be imposed by the Trial

Court. Ordered accordingly.

In that regard, the appellants shall be produced before the concerned Trial Court forthwith.

The appeal stands disposed of, as above.

Pending application(s), if any, shall stand disposed of.

....., J.
(C.T. RAVIKUMAR)

....., J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
JULY 19, 2024.

ITEM NO.5

COURT NO.12

SECTION II

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). 11185/2023

(Arising out of impugned final judgment and order dated 13-04-2023 in CRLA No. 1263/2009 passed by the High Court Of Judicature At Allahabad)

ASHOK KUMAR & ANR.

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(with I.R.

IA No. 124652/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Crl) No. 13374-13375/2023 (II)
(and I.R.)

Date : 19-07-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Rishi Malhotra, AOR
Mr. Utkarsh Singh, Adv.

Mr. Abhishek Atrey, AOR
Mr. S. Nagamuthu, Sr. Adv.
Dr. Abhishek Atrey, Adv.
Mr. Raman Dwivedi, Adv.
Mr. Mahesh Dwivedi, Adv.
Mr. K. P. Trivedi, Adv.
Ms. Ambika Atrey, Adv.
Ms. Jyoti Verma, Adv.

For Respondent(s) Mr. Ravindra Raizada Sr. Adv, A.A.G.
Mr. Adarsh Upadhyay, AOR
Mr. Aman Pathak, Adv.
Ms. Pallavi Kumari, Adv.
Mr. Shashank Pachauri, Adv.

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

Criminal Appeal No. _____ of 2024
(@ SLP(Crl.)No.11185 of 2023)

Leave granted.

The appeal stands disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

SLP(Crl) Nos. 13374-13375/2023

Leave granted.

The learned counsel appearing for the appellants submits that the appellants had already undergone incarceration for a period of more than 15 years and therefore, entitled to seek for remission.

Furthermore, it is submitted that, going by the scheme for remission framed by the State of Uttar Pradesh, the entitlement to remission has to be considered even without an application from the convicts.

In the said circumstances, we make it clear that the pendency of these appeals before this Court will not create any legal trammel for the appellants to approach the Government or the Government on their own considering the said question, in accordance with law.

List on 19.09.2024.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)