

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No. 3838 Of 2023
(Arising out of Special Leave to Appeal (Crl.) No. 11129 Of 2023)

Afjal Ansari

....Appellant(s)

versus

State of UP

....Respondent(s)

ORDER

1. In view of the majority opinion, the appeal is partially allowed. The operative part of the judgment reads as under:

“We, thus, deem it appropriate to partially allow this appeal and suspend the conviction awarded to the Appellant in Special Sessions Trial No. 980/2012 subject to the following conditions, clarifications and directions:

- i. The Ghazipur Parliamentary Constituency shall not be notified for bye-election, in terms of Section 151 of the RPA, till the decision of the Appellant’s criminal appeal by the High Court;
- ii. The Appellant shall, however, not be entitled to participate in the proceedings of the House. He shall also not have the right to cast his vote in the House or to draw any perks or monetary benefits;
- iii. The continuance of MP led welfare schemes in the Ghazipur Parliamentary Constituency without the Appellant being associated for the release of grants for such schemes, is not an irrevocable consequence as all such Schemes can be given effect, even in the absence of the local parliamentary representative;

- iv. The Appellant shall not be disqualified to contest future election(s) during the pendency of his criminal appeal before the High Court and if he is elected, such election will be subject to outcome of the First Criminal Appeal; and
- v. The High Court shall make an endeavour to decide the Appellant's criminal appeal expeditiously and before 30.06.2024.

Consequently, we direct the Registrar General of the High Court to put up this order before Hon'ble The Chief Justice of the High Court for immediate enlisting of the Criminal Appeal No.5295/2023 with a request to the appropriate Bench, for an out of turn hearing and adjudication of the said appeal by 30.06.2024. The Appellant is directed to extend full cooperation to the High Court in this regard, failing which, this order shall be liable to variance.

It is clarified that we have not expressed any opinion on the merits of the case and the First Criminal Appeal shall be decided by the High Court on its own merits.

The present appeal is disposed of in the above terms.”

..... J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

NEW DELHI
DATED :14.12.2023

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).11129/2023

(Arising out of impugned final judgment and order dated 24-07-2023 in CRLMA No.01/2023 passed by the High Court Of Judicature At Allahabad)

AFJAL ANSARI

Petitioner(s)

VERSUS

STATE OF UP

Respondent(s)

([HEARD BY: HON. SURYA KANT, HON. DIPANKAR DATTA AND HON. UJJAL BHUYAN, JJ.]

Date : 14-12-2023 This petition was called on for pronouncement of judgment.

For Petitioner(s) Mr. Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. C. U. Singh, Sr. Adv.
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Jubair Ahmad Khan, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Mr. Anuroop Chakravarti, Adv.
Mr. Shraveen Kumar Verma, Adv.
Mr. Siddarth Seem, Adv.
Mr. Saahil Gupta, Adv.
Mr. Deepak Bhati, Adv.
Mr. Shivendra Singh, Adv.
Ms. Udita Singh, AOR

For Respondent(s) Mr. K.M. Nataraj, A.S.G.
Mr. Sharan Dev Singh Thakur, A.A.G.
Ms. Indira Bhakar, Adv.
Mr. Sharath N. Nambiar, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Vinayak Sharma, Adv.
Ms. Satvika Thakur, Adv.
Mr. Chitransh Sharma, Adv.
Ms. Any S.A., Adv.
Ms. Yogya Rajpurohit, Adv.
Ms. Ruchira Goel, AOR

1. Hon'ble Mr. Justice Surya Kant (on behalf of himself and Hon'ble Mr. Justice Ujjal Bhuyan) pronounced the judgment. Hon'ble Mr. Justice

Dipankar Datta has pronounced a separate judgment.

2. Leave granted.
3. In view of the majority opinion, the appeal is partially allowed. The operative part of the judgment reads as under:

“We, thus, deem it appropriate to partially allow this appeal and suspend the conviction awarded to the Appellant in Special Sessions Trial No. 980/2012 subject to the following conditions, clarifications and directions:

- vi. The Ghazipur Parliamentary Constituency shall not be notified for bye-election, in terms of Section 151 of the RPA, till the decision of the Appellant’s criminal appeal by the High Court;
- vii. The Appellant shall, however, not be entitled to participate in the proceedings of the House. He shall also not have the right to cast his vote in the House or to draw any perks or monetary benefits;
- viii. The continuance of MP led welfare schemes in the Ghazipur Parliamentary Constituency without the Appellant being associated for the release of grants for such schemes, is not an irrevocable consequence as all such Schemes can be given effect, even in the absence of the local parliamentary representative;
- ix. The Appellant shall not be disqualified to contest future election(s) during the pendency of his criminal appeal before the High Court and if he is elected, such election will be subject to outcome of the First Criminal Appeal; and
- x. The High Court shall make an endeavour to decide the Appellant’s criminal appeal expeditiously and before 30.06.2024.

Consequently, we direct the Registrar General of the High Court to put up this order before Hon’ble The Chief Justice of the High Court for immediate enlisting of the Criminal Appeal No.5295/2023 with a request to the appropriate Bench, for an out of turn hearing and adjudication of the said appeal by 30.06.2024. The Appellant is directed to extend full cooperation to the High Court in this regard, failing which, this

order shall be liable to variance.

It is clarified that we have not expressed any opinion on the merits of the case and the First Criminal Appeal shall be decided by the High Court on its own merits.

The present appeal is disposed of in the above terms.”

(ARJUN BISHT)

COURT MASTER (SH)

(signed reportable judgments are placed on the file)

(PREETHI T.C.)

COURT MASTER (NSH)