

[2022 LiveLaw \(SC\) 133](#)

**IN THE SUPREME COURT OF INDIA**  
**INDIRA BANERJEE; J.K. MAHESHWARI, JJ.**

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 1652/2022; 31-01-2022

**SANTO DEVI *VERSUS* STATE OF U.P.**

***Constitution of India, 1950 - Article 136 - Bail - The application filed by the petitioner having been dismissed as not pressed, the question of interference by this Court in exercise of power under Article 136 of the Constitution of India cannot and does not arise.***

(Arising out of impugned final judgment and order dated 23-08-2018 in CRMBA No. 01/2018 passed by the High Court Of Judicature At Allahabad);

*For Petitioner(s) Mr. Tanveer Ahmad, Adv. Ms. Farha Naaz, Adv. Mr. Abdul Qadir Abbasi, AOR*

**ORDER**

Delay condoned.

This special leave petition is against an order dated 23.08.2018 passed by the High Court, which is extracted hereinbelow:-

“Learned counsel for the appellant submitted that he does not want to press this bail application at this stage and the same may be dismissed as withdrawn.

On the request made by learned counsel for the appellant, this bail application is dismissed as withdrawn at this stage.”

It appears that the counsel for the petitioner submitted that he did want to press the bail application and the same might be dismissed as withdrawn at that stage.

The application filed by the petitioner having been dismissed as not pressed, the question of interference by this Court in exercise of power under Article 136 of the Constitution of India cannot and does not arise.

The learned counsel appearing on behalf of the petitioner submits that learned counsel had made the submissions in Court without instructions. If that be so, the appropriate remedy is to take necessary action against the counsel who made such submissions without instructions. It may, however, be noted that the impugned order does not record any submission of the

counsel to the effect that he had instructions from the petitioner not to press the petition. Be that as it may, the question of entertaining this special leave petition does not arise.

The special leave petition is, accordingly, dismissed.

Considering that the petitioner is a senior citizen, we request the High Court to give some precedence and dispose of the criminal appeal as expeditiously as possible, in accordance with law.

Pending applications, if any, stand disposed of accordingly.

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