

ITEM NO.3

COURT NO.6

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.764/2022 in CrI.A. No.491/2022

SULEMAN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

([FOR REPORT]

[THIS HON'BLE COURT VIDE ORDER DATED 25.03.2022 DIRECTED TO LIST THE MATTER ON 09.05.2022 AFTER RECEIPT OF THE REPORT FROM THE HON'BLE HIGH COURT. REQUISITE REPORT HAS BEEN RECEIVED])

Date : 09-05-2022 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Rizwan Ahmad, Adv.

For Respondent(s) Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.

Mr. Ajay Vikram Singh, AOR
Mrs. Priyanka Singh, Adv.
Mr. Ajay Kumar Prajapati, Adv.
Mr. Narender Rana, Adv.
Mr. Neelambar Jha, Adv.

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

We have perused the report.

While making submissions on 25.03.2022, learned counsel for the appellant sought to contend that there was no criminal Bench available to hear matters for the last 25 days and we found that disturbing. We considered appropriate to call a report from the

Registrar of the Lucknow Bench in this behalf on the aspect of non- availability of the Bench. It is in this context the report has been filed which shows what the appellant submitted was not the factual position. One Division Bench and at least one Single Judge Bench have been sitting throughout and for the relevant 25 days there has been at least two Division Benches and three Single Benches. However, the data also throws light on another aspect i.e. number of convicts in jail for more than 14 years and 10 years whose appeals are pending consideration. The details are as under :

"6. On physical verification of records, number of convicts in jail for more than 14 years and 10 years, whose appeals are pending consideration, were found to be as under:-

S. No.	Category	
1.	Number of convicts in jail for more than 14 years	727
2.	Number of convicts in jail for 10-14 years	834
	Total	1561

"

The summary status of bail applications of these 1561 persons in jail are set out as under:

"7. Summary status of bail applications of these 1561 convicts, in jail, is as under:-

S. No.	Category	Number of convicts
1	Number of convicts whose bail applications have been already disposed off and no subsequent bail is pending	640
2	Number of Bail applications in pending appeals disposed from 30.03.2022 to 22.04.2022	571
3	Number of bails pending in pending Criminal Appeals as on 22.04.2022	350
	Total	1561

“

What is of concern to us is cases which are pending for 10 years and 14 years in appeal, where bail applications are also pending and some of them are in incarceration even without pending bail applications as they may have been disposed of. On our query, learned counsel appearing for the High Court submits that in single offence cases, the matters are referred for remission after 14 years of actual incarceration and 20 years with remission.

We see no reason why these cases are not dealt with in one go by asking the State Government to take a stand in respect of such cases which are single offence cases and pending for 10 years or more and unless there are special circumstances, all of them can be enlarged on bail. As far as cases which meet the norms of

remission, the State Government, irrespective of pendency of the appeal, should be forthwith asked to take a call on the plea of remission. It may also facilitate posting all of the matters at one go and asking the counsels appearing for the convicts whether they would be satisfied with cases being considered for remission or would also like to urge the matter in appeal. This may help in clearing the backlog of some appeals.

We may note that as on 22.04.2022, it is stated that in the pending bail applications position is as under:

"9. Presently, as on 22/04/2022 number of bail applications of convicts in jail for more than 10 years (in Criminal Appeals) pending before the High Court is as under:-

S. No.	Category	Number of convicts whose bail applications are pending as on 22.04.2022
1	Convicts incarcerated for more than 14 years	159
2	Convicts incarcerated for 10-14 years	191
	Total	350

"

We would like a closure to all these matters of bail before the next date as the matters are directed to be taken up in one go. If required these matters can also

be dealt with by the Vacation Benches.

List on 25.07.2022 for directions.

Copy of the order out today.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)