

ITEM NO.36 Court 13 (Video Conferencing) SECTION II-C

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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 2426/2022

(Arising out of impugned final judgment and order dated 19-07-2018 in CRA No. 110/2015 passed by the High Court Of Chhatisgarh At Bilaspur)

BHOLA KUMHAR Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH Respondent(s)

IA No. 24685/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 24684/2022 - EXEMPTION FROM FILING O.T.)

Date : 21-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. A Sirajudeen, Sr. Adv.
Mr. Tilak Raj Pasi, Adv.
Mr. Satyapal Khushal Chand Pasi, AOR

For Respondent(s) Mr. Sourav Roy, AG
Mr. Mahesh Kumar, Standing Counsel-Chhattisgarh
Mr. Nikhilesh Kumar, Adv.
Mr. Kaushal Sharma, Adv.
Ms. Devika Khanna, Adv.
Mrs. V D Khanna, Adv.
Mr. Vmz Chambers, AOR

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

The records indicate that the petitioner had undergone 10 years 03 months and 16 days of custody as revealed from the custody certificate dated 09th November, 2021 and the High Court while upholding conviction, reduced the sentence to 07 years rigorous

imprisonment(RI).

The submission of the counsel for the petitioner was recorded by this Court on 4th March, 2022 that despite the petitioner has undergone full sentence of 7 years RI in terms of the judgment impugned by the High Court, still he has not been released and after the notice of the present petition came to be served, the concerned authorities have released the petitioner on 16th March, 2022. This may not be the end of the matter. What is being reflected to this Court needs a further probe.

Let the counsel for the State file an affidavit and tender an explanation as to why the petitioner was detained in custody exceeding the period of judicial custody in terms of the judgment impugned of the High Court dated 19th July, 2018. At the same time, the State may also collect the data from all over the State and furnish a report to this Court of such of the incident of which reference has been made in the present petition.

Copy of this order may also be sent to the Secretary, State Legal Services Authority, Chhattisgarh for taking appropriate steps and compliance report.

List the matter on 25.04.2022.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(BEENA JOLLY)
COURT MASTER (NSH)