

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Criminal) No(s). 34/2023

BABU KHAN

Petitioner(s)

VERSUS

THE STATE OF U.P. & ANR.

Respondent(s)

(IA No. 20792/2023 - INTERIM BAIL)

Date : 24-04-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Aarif Ali, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Pankaj Tiwari, Adv.
Mr. Shahid Nadeem Ansari, Adv.
Mr. Chand Qureshi, AOR
Mr. Mohit Yadav, Adv.

For Respondent(s) Mr. Ardhendu Mauli Kumar Prasad, A.A.G.
Mr. Divyanshu Sahay, Adv.
Mr. Shashank Shekhar Singh, AOR

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

Pursuant to this Court's order dated 17th April, 2023, Mr. Rajesh Kumar Singh, Principal Secretary (Prison), State of Uttar Pradesh appears through video conferencing.

When we made a query to him, he is unable to explain to us why the State Government did not cause appearance pursuant to the notice dated 7th February, 2023 and why the order dated 7th February, 2023 was not complied with. Today, there is an affidavit filed by the State

Government annexing thereto a copy of the order dated 21st April, 2023 under which the petitioner has been ordered to be released on probation under Section 2 of the Uttar Pradesh Prisoners Release on Probation Act, 1938. A copy of the affidavit has been supplied to the learned counsel appearing for the petitioner.

If the order of this Court dated 7th February, 2023 would have been obeyed, the petitioner could have been released in February, 2023 itself. By taking on record copy of the order dated 21st April, 2023, we are disposing of the Writ Petition.

However, we direct Mr. Rajesh Kumar Singh, Principal Secretary (Prison) to file an affidavit explaining the following aspects:

(i) Why the State was not represented before this Court notwithstanding service of notice in terms of the order dated 7th February, 2023;

(ii) Why the State did not comply with the order dated 7th February, 2023 and

(iii) Why there is a delay on the part of the state in issuing order dated 21st April, 2023.

Though the Writ Petition is disposed of, list the matter on 8th May, 2023 for considering the affidavit.

Pending application also stands disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER