

[2023 LiveLaw \(SC\) 448](#)

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
**SANJAY KISHAN KAUL; J., AHSANUDDIN AMANULLAH; J.**  
MAY 15, 2023  
CRIMINAL APPEAL NO.1518 /2023 [ @ SLP [CRL.] NO.6088/2023]  
**UMESH RAI @ GORA RAI versus STATE OF U.P.**

**Practice and Procedure - If the judgment is not delivered within 6 months after reserving it, then it should be assigned to another bench for fresh hearing, and not to the same bench.**

(Arising out of impugned final judgment and order dated 03-08-2022 in CRA No. 3832/2014 passed by the High Court of Judicature at Allahabad)

*For Petitioner(s) Mr. Raies Ul Haq Ahmad Sikander, AOR Mr. Sameer Rai, Adv.*

*For Respondent(s) Mr. Parth Awasthi, Adv. Mr. Nirmal Kumar Ambastha, AOR*

**ORDER**

Leave granted.

On 08.05.2023, we passed the following order:

“The petitioner claims that hearing in Criminal Appeal No.3832/2014 was concluded on 04.08.2022 and in view thereof the prayer of the petitioner for bail was not attended to. The judgment was reserved on the said date but the order of 04.08.2022 has neither been uploaded online nor has been made available to the petitioner. The petitioner has already completed 16 years 9 months and 18 days in actual custody.

The Registrar of the Allahabad High Court is directed to forthwith send a report to this Court about the proceedings of 04.08.2022 and whether any judgment in appeal has since been pronounced or not.”

A report has now been received from the Registrar General of the High Court. It also appears that the proceedings of 04.08.2022 have been belatedly put on the website showing that the judgment is reserved. No judgment was pronounced or released on 11.05.2023 as per report of the Assistant Registrar. To say the least, this is completely unsatisfactory state of affairs.

On 11.05.2023, the appeal was again nominated to the same Bench when on 12.05.2023 it was taken up and the appellant No.1 was asked to submit registered arguments (possibly written arguments), by 15.05.2023. The matter has placed has been placed for delivery of judgment on 19.5.2023.

Learned counsel for the appellant submits that in terms of the judgment in **Anil Rai v. State of Bihar – (2001) 7 SCC 318**, it has been observed that if a judgment is not pronounced within a period of six months, it should be placed before another Bench for fresh arguments.

In the facts of the present case, when we called for the details arising from non-uploading of order dated 04.08.2022 vide order dated 08.05.2023, the Bench chooses to release the matter on 11.05.2023.

We are of the view that thereafter the matter was required to be handed over to another Bench, more so, in the manner it has proceeded even thereafter, simply being assigned to the same Bench and thereafter being concluded on that date by the same Bench.

We thus, cannot appreciate the reassigning of the matter to the same Bench and we direct that the matter be assigned by Hon'ble Chief Justice to another Bench keeping in mind the ratio in **Anil Rai (supra)**. Thus, there is no question of pronouncement of judgment now by the same Bench on 19.05.2023.

Learned counsel has also drawn our attention to another decision in C.A. No.3564/2020 titled "**Balaji Baliram Mupade & Anr. Vs. The State of Maharashtra & Ors.**" where reasons were not made available for nine months after passing of the operative portion of the order. We had directed that it was in the fitness of things that the matter be re-heard by another Bench. We had thus, issued directions in the aforesaid terms.

We may notice that the appellant has been in custody for 16 years 9 months and 18 days (as on 09.04.2023). Despite the opposition by the learned counsel for the complainant, we have little option but to release the appellant on interim bail in the present case in view of what we had recorded aforesaid subject to the final judgment.

Reluctant as we are to observe, we would request the Bench now assigned to take up the matter as expeditiously as possible.

The appeal stands disposed of.

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