

VERDICTUM.IN

1

ITEM NO.11

COURT NO.2

SECTION X

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

Writ Petition(s)(Criminal) No(s). 170/2022

KAMLA JAIN & ANR.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and IA No.65665/2022-GRANT OF BAIL)

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

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Rishi Malhotra, AOR

For Respondent(s)

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

This writ petition presents peculiar facts.

The petitioner No.1 has completed 3½ years of actual imprisonment, out of the sentence of seven years while petitioner No.2 has undergone more than 8½ years, out of sentence of 10 years. Their appeals are still pending in the High Court and the grievance is raised in this writ petition is that their applications preferred for relief under Section 389 of the Code of Criminal Procedure ("the Code" for short) are not getting listed before the High Court.

The writ petition submits that though the appeals were

filed in the year 2019 alongwith prayer for relief under Section 389 of the Code, such applications have never been listed before the Court.

We have seen similar kinds of situations arising in pending appeals in the State of U.P. Going by the facts presented in such matters, the appeals have been pending for fairly large number of years.

We, therefore, take the instant case, as a test case and considering the importance of the matter, we add Registrar General of the High Court of Judicature at Allahabad to the array of parties as respondent No.2 .

Issue notice, returnable on 14.07.2022.

The Registrar General is directed to file response on or before 11.07.2022 indicating inter alia:

(a) What is the normal process adopted by the Registry of the High Court to list the criminal appeals especially when the convicted appellants are undergoing a term sentence as against the life sentence.

(b) How many benches are normally available to take up the pending appeals and whether there is any special mechanism for listing of appeals where a person has been convicted for term sentence of 10 years or less.

(c) Similarly, whether any such special mechanism is in place for listing the matters where life sentence has been

imposed upon the appellant(s).

(d) Whether any preference is given to appeals where the person concerned is not released by virtue of relief under Section 389 of the Code and is still undergoing sentence in a prison.

(e) The number of appeals which are pending in different categories and whether any policy has been framed to have the appeals taken up in a systematic way at an early date.

List on 14.07.2022.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER