

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 419/2022  
(Arising out of SLP (Crl.) No. 1507/2022)

BHURA

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

ORDER

Leave granted.

This appeal challenges the judgment and order dated 01-11-2012 passed by the High Court of Judicature at Allahabad in CRLMSBA No. 2685/2012 in Criminal Appeal No.3081 of 2010.

The appellant was convicted in Sessions Trial No.645 of 2007 on the file of Additional Sessions Judge, Court No. 3, District Ghaziabad in respect of offences punishable under Sections 148, 302 read with 149, 307 read with 149, 324 read with 149 and 25 of Arms Act and 25 read with Section 4 of Arms Act and was awarded life imprisonment for the offence under Section 302 read with 149; with varying substantive sentences for other offences.

Being aggrieved, the appellant preferred Criminal Appeal No.3081 of 2010 which is still pending consideration in the High Court.

Application seeking relief in terms of Section 389 of the Code of Criminal Procedure (“the Code” for short) having been rejected, this appeal has been preferred.

By order dated 14.02.2022, after noticing that the appellant had already undergone actual imprisonment in excess of 15 years, the delay in preferring the petition was condoned and notice was issued. The affidavit in reply filed on record accepts

the fact that the actual imprisonment suffered by the appellant in the instant matter is in excess of 15 years.

In the circumstances, in our view, case for relief under Section 389 of the Code is made out.

We, therefore, allow this appeal and direct that the appellant be produced before the Trial Court within three days from today; and the trial court shall release the appellant on bail subject to such conditions as the trial court may deem appropriate to impose.

The benefit granted in terms of this order shall be available till the disposal of Criminal Appeal No.3081 of 2010.

With these observations, the appeal is allowed.

.....J  
(UDAY UMESH LALIT)

.....J  
(S. RAVINDRA BHAT)

.....J  
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi,  
March 14, 2022.

ITEM NO.24            Court 2 (Video Conferencing)            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

Petition(s) for Special Leave to Appeal (CrI.) No(s). 1507/2022

(Arising out of impugned final judgment and order dated 01-11-2012  
in CRLMSBA No. 2685/2012 in Criminal Appeal No.3081 of 2010 passed  
by the High Court Of Judicature At Allahabad)

BHURA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(IA No.17835/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.17822/2022-EXEMPTION FROM FILING O.T. and IA  
No.17826/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/  
ANNEXURES )

Date : 14-03-2022 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

For Petitioner(s)    Mr. Alakh Alok Srivastava, AOR  
  Mr. Chandan Kumar Singh, Advocate

For Respondent(s)    Mr. Sarvesh Singh Baghel, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)