

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.308/2022
(@ SLP (Cr1.) No.4633/2021)**

SAUDAN SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

O R D E R

Leave granted.

The appellant has been in custody for around 8 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

In order to find a holistic solution to the problem of hearing of appeal and grant of bail in criminal matters in the Allahabad High Court, in terms of our Order dated 05.10.2021, we were not wanting to detain the matters qua bail. Thus, we directed the bail matters to be placed before

the High Court and the Registry to register a Suo moto proceeding and place them before the Court on 16.11.2021. We note with some surprise and consternation that despite the said Order, as per the office report, while the suo moto proceedings have been so registered, they were not listed on 16.11.2021 nor on any date thereafter.

We have a report of the High Court of Allahabad which seeks to suggest that the 18 matters remitted to the High Court for consideration of bail were listed on 15.11.2021, 16.11.2021 and 17.11.2021 and that appearances were not put in on behalf of the appellants despite the matters being listed in the roster bench and none appeared to press the matters for being taken up on board. The affidavit is dated 15.11.2021 and learned counsel for the High Court seeks to file an updated report as he states that some matters have been dealt with while in other matters though listed on numerous occasions, none appeared for the accused.

We have also emphasized to learned counsel for the State that in reference to our observation on the last date about consideration of cases under the Uttar Pradesh Prisoners Release on Probation Rules, 1938, there should be better coordination between the States and the Registry of the High Court. Thus, for anybody who has completed 14 years of sentence, the case has to be put before the Board to be

examined as per the norms. It is not appropriate that those cases lie in the High Court with sentences much beyond 14 years being served without even being examined on the question of their release under the Policy.

We thus call upon the High Court and the State Government to prepare a list of such of the cases where the accused have already served out 14 years of sentence and for one reason or the other, the appeal has not been heard (even if it be fault of the lawyer) and those cases should be put before the Board. It is also possible that in some of these cases, once the accused is released, the person may not at all be interested in prosecuting the appeal.

There may be cases where for whatever reason the advocate may not be present as has been set out in the report of the High Court but if they have already completed 14 years of actual sentence, the State itself should take an appropriate stand and the learned Judge can himself pass appropriate orders to at least examine those cases for release and the absence of the advocate cannot come in the way in such a scenario.

We have put to learned AAG and the learned counsel for the High Court that a list should be prepared of all cases where the person has served out a sentence of 14 years, is not a repeat offender, and in any case if in these cases at

one go bail can be granted and cases remitted for examination under the Uttar Pradesh Prisoners Release on Probation Rules, 1938. In all these cases, there is a high possibility that if these people are released, they may not be even interested in prosecuting their appeals.

The second category of cases can be one where the person has served out more than 10 years of sentence. In these cases also at one go bail can be granted unless there are any extenuating circumstances against him.

We are quite hopeful that the High Court will adopt the aforesaid practice and thus prevent the Supreme Court to be troubled with such matters.

The criminal appeal stands disposed of with the aforesaid observation.

Criminal Appeal No.309/2022 (@ SLP(Cr1) No.4635/2021)

Leave granted.

The appellant has been in custody for more than 10 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month

in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.310/2022 SLP(Cr1) No. 4634/2021

Leave granted.

The appellant has been in custody for around 10 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.311/2022 SLP(Cr1) No. 4637/2021

Leave granted.

The appellants have been in custody for around 10 years and the appeal has not been decided yet. The appellants are granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellants will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.312/2022 SLP(Cr1) No.4636/2021

Leave granted.

The appellant since stands released by the State Government under the Uttar Pradesh Prisoners Release on Probation Rules, 1938 on completion of 14 years of sentence.

Criminal appeal stands disposed of as infructuous.

Criminal Appeal No.313/2022 SLP(Cr1) No.4213/2021

Leave granted.

The appellant has been in custody for more than 11 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.314/2022 SLP(Cr1) No.4638/2021

Leave granted.

The appellant has been in custody for more than 14 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.315/2022 SLP(Cr1) No.4643/2021

Leave granted.

The appellant has been in custody for more than 13 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.316/2022 SLP(Cr1) No.4642/2021

Leave granted.

The appellant has been in custody for more than 13 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.317 /2022 SLP(Cr1) No.4849/2021

Leave granted.

The appellant has been in custody for around 10 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.318 /2022 SLP(Cr1) No.4641/2021

Leave granted.

The appellants have been in custody for more than 10 years and the appeal has not been decided yet. The appellants are granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellants will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.319 /2022 SLP(Cr1) No.4396/2021

Leave granted.

The appellant has been in custody for more than 14 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.320 /2022 SLP(Cr1) No.4847/2021

Leave granted.

The appellant has been in custody for around 12 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.334/2022 @ SLP(Cr1) No.4844/2021

Leave granted.

The appellant has been in custody for around 10 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.336/2022 @ SLP(Cr1) No.4848/2021

Delay condoned.

Leave granted.

The appellant has been in custody for around 11 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.335/2022 @ SLP(Cr1) No.5472/2021

Leave granted.

The appellant has been in custody for around 11 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No. 321/2022 @ SLP(Cr1) No.6928/2021

Leave granted.

The appellant has been in custody for around 14 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

Criminal Appeal No.322/2022 @ SLP(Cr1) No.4639/2021

Leave granted.

The appellant has been in custody for more than 12 years and the appeal has not been decided yet. The appellant is granted bail on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid terms.

SLP(Cr1) No.4332/2021

Though the custody is of almost 14 years, we are informed that the hearing is concluded and judgment is reserved. In view thereof, we would not like to interfere in the present petition.

The special leave petition stands disposed of accordingly.

Criminal Appeal No.323/2022 @ SLP(Cr1) No.4640/2021

Leave granted.

Learned counsel for the appellant submits the appellant has been released by the State Government.

The criminal appeal stands disposed of.

Criminal Appeal No.324/2022 @ SLP(Cr1) No.6449/2021

Issue notice.

Learned counsel for the State accepts notice.

Leave granted.

The appellant is stated to be in custody for 17 years. It is stated that the matter was listed for bail and on the counsel being called upon to argue the appeal, since he was not prepared, the application was rejected. Thereafter, the appeal was listed on four occasions for hearing but was not taken up though the counsel was ready.

In our view, there is apparently a misconception that if the Court is ready to hear the appeal, the bail application should not be considered in all circumstances. This would normally be true as counsels can't get away with unpreparedness to argue the appeal and and claim bail. The caveat to this would be in cases where a person has already served out 14 years of actual sentence as in that case, a different norm comes into place requiring the case to be considered throughly under the Uttar Pradesh Prisoners Release on Probation Rules, 1938. Thus to deny even bail to such a person for the fault of the counsel who does not argue, the accused having nothing to gain, would be really a parity of justice.

We are thus of the view that this is a fit case to grant bail to the accused on terms and conditions to the satisfaction of the trial Court. Apart from any other conditions to be imposed by the trial Court, the appellant will report to the local police station on the first Monday of every month in the forenoon.

The criminal appeal stands allowed in the aforesaid

terms.

A copy of this Order to be placed before Hon'ble the Chief Justice of Allahabad High Court.

The order-sheets of this Court including today's order-sheet be placed in the Suo-Moto proceedings.

.....J.
(SANJAY KISHAN KAUL)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
25th FEBRUARY, 2022

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

Petition(s) for Special Leave to Appeal (Cr1.) No.4633/2021

(Arising out of impugned final judgment and order dated 20-11-2018 in CRL.M.B.A. No.209280/2017 in Cr1. Appeal No.3562 of 2017 passed by the High Court Of Judicature at Allahabad)

SAUDAN SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(Mr. Nikhil Goel, Advocate has filed Vakalanama/Appearance alongwith affidavit (in view of order dated 05.10.2021) on behalf of High Court of Allahabad in SR-4633/21)

WITH

SLP(Cr1) No. 4635/2021 (II)

SLP(Cr1) No. 4634/2021 (II)

SLP(Cr1) No. 4637/2021 (II)

SLP(Cr1) No. 4636/2021 (II)

SLP(Cr1) No. 4213/2021 (II)

SLP(Cr1) No. 4638/2021 (II)

SLP(Cr1) No. 4643/2021 (II)

SLP(Cr1) No. 4642/2021 (II)

SLP(Cr1) No. 4849/2021 (II)

(FOR ORDERS ON THE QUESTION OF MAINTAINABILITY OF PETITION.)

SLP(Cr1) No. 4641/2021 (II)

SLP(Cr1) No. 4396/2021 (II)

SLP(Cr1) No. 4847/2021 (II)

SLP(Cr1) No. 4844/2021 (II)

SLP(Cr1) No. 4848/2021 (II)
(IA No.72916/2021-CONDONATION OF DELAY IN FILING
IA No.72917/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No.72920/2021-EXEMPTION FROM FILING O.T. and IA No.72922/2021-
EXEMPTION FROM FILING AFFIDAVIT)

SLP(Cr1) No. 5472/2021 (II)

SLP(Cr1) No. 6928/2021 (II)

SLP(Cr1) No. 4639/2021 (II)

SLP(Cr1) No. 4332/2021 (II)

SLP(Cr1) No. 4640/2021 (II)

SLP(Cr1) No. 6449/2021 (II)
(IA No.107174/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No.107176/2021-EXEMPTION FROM FILING O.T. and IA No.107178/2021-
EXEMPTION FROM FILING AFFIDAVIT)

Date : 25-02-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Indresh Upadhyay, Adv.
Mr. Akhilesh Yadav, Adv.
Mr. Sorav Singh, Adv.
Mr. Mohammad Arif, Adv.
Mr. Dhruv Chawla, Adv.
Ms. Pankhuri Gupta, Adv.
Mr. Mayank Kshirsagar, Adv.
Mr. Brijesh Upadhyay, Adv.
Mr. Tushar Singh, AOR

Mr. Pardeep Gupta, Adv.
Ms. Mansi Gupta, Adv.
Mr. Parinav Gupta, Adv.
Ms. Nandani Gupta, Adv.
Ms. Mamta Sharma, Adv.
Dr. (mrs.) Vipin Gupta, AOR

Mr. Anubhav, Adv.
Mr. Yashwant Singh Yadav, Adv.
Ms. Preeti Yadav, Adv.
Mr. Vijay Kumar, Adv.

Mr. Ravi Karhana, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Amit Kumar, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Ravi Prakash Mehtrotra, Sr. Adv.
Mr. Nagendra Singh, Adv.
Dr. Sanjay Gupta, Adv.
Mr. Ashish Pandey, Adv.
Mr. Ronak Karanpuria, AOR

For Respondent(s) Ms. Garima Prashad, Sr. Adv./AAG
Mr. Sarvesh Singh Baghel, AOR
Mr. Srinivas Vishven, Adv.
Mr. Ajay Vikram Singh, AOR
Mr. Rohit Pandey, Adv.
Mr. Shantanu Singh, Adv.
Mrs. Priyanka Singh, Adv.
Mr. Chandra Shekhar, Adv.
Ms. Neelakshi Bhaskar, Adv.
Mr. Vishnu Shankar Jain, AOR
Mr. Dhawal Uniyal, Adv.
Ms. Marbiang N. Khongwir, Adv.

Mr. Shashank Shekhar Singh, AOR

Mr. Manish Shanker Srivastava, Adv.
Ms. Kalpana, Adv.
Ms. Pallavi Baghel, Adv.
Mr. Abhishek Kumar Singh, AOR

Mr. Nikhil Goel, Adv.
Ms. Naveen Goel, Adv.
Mr. Vinay Mathew, Adv.
Mr. Kartik Kaushal, Adv.
Mr. Aditya Koshy Roy, Adv.

Ms. Sweta Rani, AOR

Mr. Arun Adlakhia, Adv.
Mr. Naman Gupta, Adv.
Mr. Prakash Sharma, Adv.
Mr. Dharmendra Kumar Sinha, AOR

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

SLP(Cr1) No.4332/2021

Though the custody is of almost 14 years, we are informed that the hearing is concluded and judgment is reserved. In view thereof, we would not like to interfere in the present petition.

The special leave petition stands disposed of accordingly.

Criminal Appeal No.308/2022 @ SLP (Cr1.) No.4633/2021

Criminal Appeal No.323/2022 @ SLP(Cr1) No.4640/2021

Leave granted.

Criminal appeals stand disposed of in terms of the signed order.

Pending applications also stand disposed of.

Criminal Appeal No.309/2022 (@ SLP(Cr1) No.4635/2021)

Criminal Appeal No.310/2022 SLP(Cr1) No.4634/2021

Criminal Appeal No.311/2022 SLP(Cr1) No. 4637/2021

Criminal Appeal No.313/2022 SLP(Cr1) No.4213/2021

Criminal Appeal No.314/2022 SLP(Cr1) No.4638/2021

Criminal Appeal No.315/2022 SLP(Cr1) No.4643/2021

Criminal Appeal No.316/2022 SLP(Cr1) No.4642/2021

Criminal Appeal No.317 /2022 SLP(Cr1) No.4849/2021

Criminal Appeal No.318 /2022 SLP(Cr1) No.4641/2021

Criminal Appeal No.319 /2022 SLP(Cr1) No.4396/2021

Criminal Appeal No.320 /2022 SLP(Cr1) No.4847/2021

Criminal Appeal No.334/2022 @ SLP(Cr1) No.4844/2021

Criminal Appeal No.335/2022 @ SLP(Cr1) No.5472/2021

Criminal Appeal No. 321/2022 @ SLP(Cr1) No.6928/2021

Criminal Appeal No.322/2022 @ SLP(Cr1) No.4639/2021

Leave granted.

Criminal appeals are allowed in terms of the signed order.

Pending applications stand disposed of.

Criminal Appeal No.312/2022 SLP(Cr1) No.4636/2021

Leave granted.

Criminal appeal stands disposed of as infructuous in terms of the signed order.

Criminal Appeal No.336/2022 @ SLP(Cr1) No.4848/2021

Delay condoned.

Leave granted.

Criminal appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

Criminal Appeal No.324/2022 @ SLP(Cr1) No.6449/2021

Issue notice.

Learned counsel for the State accepts notice.

Leave granted.

Criminal appeal stands allowed in terms of the signed order.

Pending applications stand disposed of.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER

(signed order is placed on the file)

