

Lav Parasher @ Chinu vs State Of U.P. on 17 May, 2022

Bench: L. Nageswara Rao, B.R. Gavai, A.S. Bopanna

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ITEM NO.22

COURT NO.5

SECTION II

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (Crl.)

No(s). 1891/

(Arising out of impugned final judgment and order dated 02-12-2021 in CR MBA No. NIL/2018 passed by the High Court Of Judicature At Allahabad)

LAV PARASHER @ CHINU

Petitioner(

VERSUS

STATE OF U.P.

Respondent(s)

(IA No.29423/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.29424/2022-EXEMPTION FROM FILING O.T.)

Date : 17-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)

Mr. Braham Singh, Adv.
Mr. Yunus Malik, Adv.
Ms. Seema Singh, Adv.
Mr. Rohit Vidhudi, Adv.
Mr. Aman Malik, Adv.
Ms. Rajeeta Raj, Adv.
Mr. Samir Malik, AOR

For Respondent(s)

Mr. Sarvesh Singh Baghel, AOR
Mr. Harsh Pratap Shahi, Adv.
Mr. Dev Pratap Shahi, Adv.
Mr. Garvesh Kabra, Adv.

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

The Court of Addl. Sessions Judge-07, Ghaziabad convicted the petitioner under Section 302 IPC and sentenced him to imprisonment for life and a fine of Rs. 1 lakh. Aggrieved by the said conviction, the petitioner filed an appeal before the High Court on the ground that he has undergone incarceration for a period of 11 years and sought for suspension of sentence. The High Court, by way

of the impugned order, rejected the application for bail. The High Court asked the counsel for the appellant therein to argue the matter finally which was not agreed to by the counsel for the appellant. Therefore, the High Court rejected the application for bail and directed the appeal to be listed for hearing expeditiously. Learned counsel appearing for the State, referred to the order passed by this Court where request for suspension of sentence was refused on the ground that the appellant was seeking only suspension of sentence without showing any interest to argue the appeal finally.

In the normal course, we would have granted the relief of bail, especially, after the petitioner has undergone a sentence of 12 years. In the facts and circumstances of the case, where the petitioner has not shown interest in arguing the appeal, we are not inclined to interfere with the order passed by the High Court. However, taking into account the fact that the petitioner has undergone incarceration for more than 12 years, the High Court is requested to dispose of the appeal expeditiously not later than a period of 3 months from today. In case, the appeal is not disposed of within the said period, liberty is granted to the petitioner to renew his application for bail.

The special leave petition is dismissed. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Assistant Registrar