

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.593 OF 2020
(@ out of SLP (CrI.) No. 3172/2020)

UMA SHANKAR TEWARI

...Appellant

VERSUS

STATE OF U.P.

...Respondent

O R D E R

Leave granted.

This appeal challenges the order dated 12.09.2018 passed by the High Court of Judicature at Allahabad, rejecting Second Application preferred by the appellant under Section 389 of the Criminal Procedure Code ("the Code", for short) in Criminal Appeal No.222/2015.

The appellant is the father-in-law of the deceased Shikha and stands convicted along with other accused for the offences punishable under Sections 498A, 302 read with 34 IPC and Sections 3 & 4 of the Dowry Prohibition Act by judgment and order dated 06.12.2014 passed by the Special Judge, Kanpur Nagar in Sessions Trial No.773 of 2013.

While challenging the conviction and sentence, an application under Section 389 of the Code was preferred by the appellant which was dismissed by the High Court vide order dated 04.08.2016. Thereafter second application was preferred which now stands rejected by the High Court.

It is a matter of record that the mother-in-law named Rani Tewari has already been afforded the facility of release under Section 389 of the Code. The appellant, being aged 66 years has

completed more than 7 years of actual imprisonment.

In the circumstances, in our view, the appellant is entitled to have the benefit under Section 389 of the Code. We order accordingly.

The appellant shall 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.

The release by the Trial Court shall be only during the pendency of Criminal Appeal No.222/2015 and the matter shall thereafter be governed by the final orders to be passed in said criminal appeal.

We shall not be taken to have reflected on the merits of the matter which will be gone into independently at every stage.

The appeal is allowed accordingly.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

.....J.
(AJAY RASTOGI)

New Delhi,
September 14, 2020.

