

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 for Special Leave to Appeal (Crl.) No.553/2020  
(Arising out of impugned final judgment and order dated 17-12-2019  
in CRMA No. 30389/2009 passed by the High Court of Judicature at  
Allahabad)

KISHAN PAL @ GURU &amp; ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

(IA No. 14329/2020 - EXEMPTION FROM FILING O.T. AND IA No.  
11881/2020 - EXEMPTION FROM FILING O.T.)

Date : 26-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Basant R, Sr. Adv.  
Mr. Divyesh Pratap Singh, AOR  
Ms. Pratiksha Tripathi, Adv.  
Mr. Manu Krishnan, Adv.

For Respondent(s) Mr. Sanjay Kumar Tyagi, AOR  
Mr. Vivekanand Mishra, Adv.  
Ms. Manreet Kaur, Adv.  
Mr. K.N.Mishra, Adv.  
Mr. Sandeep Singh, Adv.  
Mr. Sunil Kumar Tomar, Adv.

Mr. S.Nagamuthu, Sr. Adv.  
Mr. Chand Qureshi, AOR  
Mr. Mohit Yadav, Adv.  
Mrs. Aarti Pal, Adv.  
Ms. Deepika Kumari, Adv.  
Mr. Syed Mansoor Ali Rizvi, Adv.  
Dr. Ramkishor Choudhary, Adv.  
Mr. Qazi Abdul Karim Ansari, Adv.  
Mr. Raj Kumar Yadav, Adv.

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

Having heard learned senior counsel on both sides and  
having perused the order impugned, we take note that the trial

court at the first instance, through its order dated 14.09.2009 had issued the summoning order under section 319 of Cr.P.C. based on the statements of PW-1 and PW-2 and the High Court has approved the same. We therefore see no reason to interfere at this stage since all contentions including as to whether the statement of Pw-1 and Pw- 2 is justified are matters to be considered by the trial court when the trial is taken up. The petitioners would have the opportunity to controvert the same.

However, taking note that the petitioners have been subsequently summoned and have been protected against arrest until now, the benefit of such protection shall continue subject to the petitioners appearing before the trial court within a period of four weeks and subject to the bail bonds to the satisfaction being executed before the trial court to ensure the appearance of the petitioners. Thereafter, the trial court may regulate the further proceedings.

The special leave petition is, accordingly, disposed of.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)  
COURT MASTER (SH)

(DIPTI KHURANA)  
ASSISTANT REGISTRAR