

ITEM NO.31

COURT NO.6

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 (Crl.) No(s). 7528/2017

(Arising out of impugned final judgment and order dated 14-07-2017 in CRMBA No. 18739/2017 passed by the High Court Of Judicature At Allahabad)

UVAID PATHAN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.99381/2017-EXEMPTION FROM FILING O.T. and IA No.3163/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.3164/2018-EXEMPTION FROM FILING O.T.)

Date : 10-01-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Sanjay Hegde, Sr. Adv.  
Ms. Malini Poduval, AOR  
Ms. Babita Sant, Adv.

For Respondent(s) Mr. Samir Ali Khan, AOR  
Mr. Andleeb Nazvi, Adv.  
Mr. Yashasvi Virendra, Adv.

Mr. S.S. Kulshrestha, Sr. Adv.  
Mr. vArun Thakur, Adv.  
Mr. Ajit Pandey, Adv.  
Mr.0. Brajesh Pandey, Adv.  
Mr. Varinder Kumar Sharma, AOR

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

It is pointed out by the learned counsel for the respondent/complainant that the petitioner had moved an application for bail in respect of offences under Sections 363, 366, 376, 328

of the Indian Penal Code, 1860 (IPC) which was rejected by the Trial Court as well as the High Court and against which the present special leave petition is filed. He informs that after investigation the charge sheet was filed under Section 376D of the IPC and charge has also been framed as such. This fact is not disputed by the learned counsel for the petitioner.

In view thereof no purpose would be served in dealing with the special leave petition which arises out of the aforesaid provisions and not out of the application under Section 376D of the IPC. It would be in the fitness of things that a fresh application be filed for offences for which he is charged and as and when such an application is filed the same shall be dealt with and decided by the Trial Court expeditiously by applying its mind afresh on the basis of the pleas which would be raised by the petitioner in the said application without being influenced by the earlier order(s) passed in the application rejecting his bail.

With the aforesaid observations, the special leave petition is disposed of.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER