

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 27561/2020

(Arising out of impugned final judgment and order dated 29-01-2013 in CRLA No. 8270/2007 passed by the High Court of Judicature at Allahabad)

UDAI BHAN

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

(FOR ADMISSION and I.R. and IA No.133748/2020-CONDONATION OF DELAY IN FILING and IA No.133749/2020-EXEMPTION FROM FILING O.T.)

Date : 12-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Ms. Minakshi Vij, AOR
(SCLSC)

For Respondent(s)

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

Delay condoned.

Issue notice returnable within four weeks.

Our attention has been drawn to the judgment dated 8th December, 2017 in Criminal Appeal No.1182 of 2015 in the case of *Asharfi vs. State of Uttar Pradesh*. *Asharfi* is a co-accused with the petitioner herein.

As per judgment in the case of *Asharfi* this Court has set aside the conviction and sentence of *Asharfi*

under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and upheld the conviction and sentence under Section 376(2) (g) of the Indian Penal Code, 1860. Accordingly, it appears that the present petitioner would also be entitled to identical relief. Petitioner, it appears, has already undergone sentence of 25 years.

In view of the above, we are inclined to grant and direct suspension of sentence to the petitioner - Udai Bhan on such terms and conditions which would be imposed by the trial Court.

A copy of the order be sent to the Jail Superintendent, Central Jail, Naini, Prayagraj, Allahabad, Uttar Pradesh as well as to the Uttar Pradesh State Legal Services Committee/Authority for compliance and necessary action.

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER