

ITEM NO.7

COURT NO.8

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 (CrI.) No(s). 92-93/2019

(Arising out of impugned final judgment and order dated 27-06-2018 in MB No. 18636/2018 28-09-2018 in MB No. 18636/2018 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

RAJENDRA PRASHAD SAHU

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

Date : 06-02-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Bhaskar Y. Kulkarni, AOR
Mr. Rajesh Kumar, Adv.

For Respondent(s) Ms. Swarupama Chaturvedi, AOR

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

The petitioner is proceeded against for the offences under Sections 2/3 of the Uttar Pradesh Gangster and Anti-Social Activities (Prevention) Act, 1986.

Being aggrieved by Order(s) dismissing the quash petition filed before the High Court under Section 482 Cr.P.C., the petitioner has preferred these special leave petitions.

Mr. B.Y. Kulkarni, learned counsel appearing for the petitioner, on instructions, submits that the quash petition filed by the co-accused, Sukesh Kumar Rastogi, in the same case bearing Case Crime No.188 of 2018, is pending consideration before the High Court in Misc. Bench No.19468 of 2018. He further submits that as

the petitioner is placed on similar footing with the co-accused, Sukesh Kumar Rastogi, whose petition is still pending consideration, the quash petition filed by the petitioner requires to be considered on the same footing.

We have heard Ms. Swarupama Chaturvedi, learned counsel appearing for the respondent-State, who submits that she could not get the instructions regarding the pendency or otherwise of the quash petition of the co-accused before the High Court.

Having regard to the submissions made by Mr. B. Y. Kulkarni, learned counsel for the petitioner, the impugned order(s) is set aside and the matter remitted back to the High Court. Misc. Bench No.18636 of 2018 filed by the petitioner shall stand restored to the file of the High Court. We request the High Court to consider the same along with Misc. Bench No.19468 of 2018 filed by the co-accused in accordance with law.

The special leave petitions are accordingly disposed of.

We make it clear that we have not expressed any opinion on the merits of the case or the contentions raised by learned counsel for the petitioner. We request the High Court to decide the case(s) on its own merits.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER