

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). 2287-2288/2019

(Arising out of interim order dated 06-02-2018 in MISC No. 615/2011 06-02-2018 in MISC No. 616/2011 passed by the High Court Of Orissa At Cuttack)

S. K. HYDER

Petitioner(s)

VERSUS

THE STATE OF ODISHA

Respondent(s)

(IA 33978/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

Date : 03-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Narender Hooda, Sr. Adv.  
Mr. Sarthak Nayak, Adv.  
Mr. Swastik Dalai, Adv.  
Dr. Surender Singh Hooda, AOR

For Respondent(s) Mr. Shibashish Misra, AOR  
Mr. Chandan Kumar Mandal, Adv.

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

The petitioner was convicted for an offence under Sections 302 and 34 of the Indian Penal Code and sentenced to life imprisonment by the Trial Court. On 16<sup>th</sup> March, 2011 he filed an appeal under Section 374 (2) of the Cr.P.C. before the High

Court along with the application for suspension of sentence. The application for suspension of sentence was initially listed on 28<sup>th</sup> September, 2012 and was being continuously adjourned thereafter. The last order passed by the High Court in the application for suspension of sentence was on 6<sup>th</sup> February, 2018 when the matter was adjourned to enable the Government Advocate to get instructions. The Special Leave Petitions are filed against the said order of the High Court dated 6<sup>th</sup> February, 2018.

We were informed by Mr. Narender Hooda, learned senior counsel appearing on behalf of the petitioner on the last date of hearing that the application for suspension of sentence has undergone more than 75 adjournments without the same being decided on merits. By an order dated 01<sup>st</sup> March, 2019 we directed the Registrar (Judicial), High Court of Orissa to transmit a copy of the record of the application for suspension of sentence (in Misc. Case Nos. 615-616 of 2011 in CrI.A. No. 240 of 2011) to this Court to enable us to examine the reasons for repeated adjournments that the application has undergone. A copy of the record was transmitted by the Registrar (Judicial), High Court of Orissa to this Court.

We have perused the record and we are unable to comprehend as to why so many adjournments were granted in an application for suspension of sentence. Delay in disposing of applications for bail and suspension of sentence in pending criminal appeals would be a travesty of justice.

We request the High Court to dispose of the application for

suspension of sentence (in Misc. Case Nos.615-616 of 2011 in Cr1.A. No.240 of 2011) expeditiously not later than four weeks from today.

The Special Leave Petitions are disposed of.

Pending application(s) also stand disposed of.

(GEETA AHUJA)  
COURT MASTER (SH)

(KAILASH CHANDER)  
ASSISTANT REGISTRAR