

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 19299 of 2023

**Petitioner :-** Ashok Sharma And Another

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Ram Awadh Saroj, Tej Prakash Mishra

**Counsel for Respondent :-** G.A.

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. The instant writ petition seeks the following relief:-

*"A. Issue a writ order or direction to the effect that no criminal appeal or bail application or any other proceeding is pending on behalf of petitioners before this Hon'ble Court with regard to Session Trial No. 884 of 2000 (State Vs. Ashok Sharma & Others) arises from Case Crime No. 33 of 2000 under Section 147, 148, 149, 307, 302 I.P.C. and Section 7 Criminal Law Amendment Act, P.S.- Khanpur, District-Bulandshahar to enable the petitioners to comply the order dated 27.08.2021 and 05.05.2022 passed by Hon'ble Supreme Court (Annexure No.2 & 4 to this writ petition)."*

3. In support of this relief, reliance has been placed upon an order passed by Apex Court. The relevant portion of the order is quoted below:-

*"It is not possible to have all the matters brought before this Court and thus we think that the appropriate course of action for these petitioners is to approach the High Court so that either the High Court will take up the appeals for hearing or may consider enlargement on bail depending upon the factual scenario of each case. It is not possible for this Court to taken up all individual cases pending before the High Court whether before the Lucknow Bench or the Allahabad High Court."*

4. The submission of learned counsel for the petitioner is that the observation of the Apex Court is incorrect inasmuch as no bail application or appeal filed by the petitioner is pending.

5. In our considered opinion, it is not open for this Court to correct the order passed by the Apex Court, even it is found to be prima facie incorrect. This jurisdiction lies with the Apex Court alone. The High Court cannot sit in appeal regarding an order of the Apex Court.

6. Under the circumstances, this petition is entirely misconceived and is dismissed.

**Order Date :- 14.12.2023\Aditya Tripathi**