

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

Writ Petition(Crl.) No. 116-117/2005

ISRAR AHMAD & ANR.

Petitioner (s)

VERSUS

STATE OF U.P. & ORS.

Respondent (s)

(With Appln(s). for directions and seeking permission to raise additional grounds and exemption from filing OT and office report)

Date : 16/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE TARUN CHATTERJEE  
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner (s)Ms. Harvinder Kaur, Adv.  
Mr. S.C. Patel,Adv.

For Respondent (s)Ms. Shobha Dixit, Sr.Adv.  
Mr. Vikas Bansal, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.

Mr. A. Rajendran, Adv.  
Mr. R.D. Rathor, Adv.  
(for elder brother of R.5)

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

This Court by its order dated 2.2.2005 directed the 4th respondent, who is the Station House Officer, Achchnaira, Agra, to produce Ms. Rayala @ Sayala in this Court on 14th February, 2005. The notice of this Court was received by the said Officer as per the records on 9th February, 2005. When the matter was called on 14th February, 2005 neither the Officer concerned nor the person asked to be produced were present in the Court so we have directed the 4th respondent, SHO to file his statement explaining the reason why he could not produce the person concerned as also his non-appearance in the Court on that day. Today the 4th respondent has filed an affidavit before this Court. In the said affidavit he has stated that since he was not conversant with the concerned investigation he deputed the Investigating Officer, Shri B.N. Mishra, Sub-Inspector of Police of the said Police Station who according to the affidavit came to the Supreme Court but was unable to attend the Court, since he could not contact his lawyer. He has tendered his unqualified apology for not obeying order of this Court dated 2.2.2005. Taking into consideration the facts situation we accept the said apology. The elder brother of the 5th respondent by name Mansoor son of Abdul Hamid resident of Ashnaira, Agra is present in the Court. The counsel representing him (though he is not a party to these proceedings) states that he knows the whereabouts of the girl, hence, we direct the said Mansoor to inform the Station House Officer, 4th respondent herein as well as Investigating Officer, Shri B.N. Mishra the whereabouts of this girl and the said Police officers either together or individually are directed to produce the said Rayala @ Sayala and 5th respondent, Israr, son of Abdul Hamid resident of Ashnaira, Agra in this Court on 24th of February, 2005 at 10.30 a.m. The said girl and the 5th respondent shall be provided security by the police concerned and we direct the parents of Rayala @ Sayala and her relatives not to get in touch with the said girl until further orders from this Court.  
Call this matter on 24th February, 2005.

(PAWAN KUMAR)  
COURT MASTER

(PREM PRAKASH)  
COURT MASTER