

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.561 OF 2007

(@ SPECIAL LEAVE PETITION (CRL.)NO.2048 OF 2007)

AMARMANI TRIPATHI

Appellant(s)

VERSUS

STATE OF UTTARANCHAL & ANR.
)

Respondent(s)

O R D E R

Leave granted.

The appellant is an accused in a case No.ST 411/05, pending before the Special Judge, Dehradun. The appellant is a sitting MLA and he was also formerly a Minister in the Government of U.P. The appellant is in custody as an under-trial prisoner in Central Jail, Dehradun. The appellant contends that he wants to contest the ensuing election for U.P.Legislative Assembly and the date of submitting nomination is 20.4.2007 and the scrutiny is on 21st April, 2007 and as he is in custody, he is unable to file his nomination and thereby his right to contest the election is seriously prejudiced.

The application is opposed by the learned ASG on the ground that the

appellant is involved in a serious crime and he may not be permitted to contest the

election. But as such, in our opinion, there is no prohibition for the appellant to contest the

2

election. The appellant is only an under-trial and his guilt or otherwise could be

established only after the case is over. Having regard to the facts and

circumstances of the case, the appellant is to be permitted to file his nomination and for

that purpose the appellant is permitted to move out of the Central Jail, Dehradun on

18.4.2007 under police escort and he shall be produced back before the jail authorities

on the evening of 22nd April, 2007. The means of conveyance to produce the appellant

before the Returning Officer, Maharajganj has to be decided by the Superintendent of

Central Jail, Dehradun and the entire expenses for giving the police protection and the

travel shall be met by the appellant. The appellant would deposit the amount in advance

before the Superintendent, Central Jail, Dehradun. The escorting party shall not allow

the appellant to have access to any other person during the course of his transport,

except his election agents and lawyers. An officer of the CBI is also permitted to be in

the escort party.

The appeal is disposed of accordingly.

.....CJI.

SHNAN)

(K.G. BALAKRI

.....J.

(R.V. RAVEENDRAN)

NEW DELHI ;

16TH APRIL, 2007.

3

ITEM NO.51

COURT NO.1

SECTION II

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2048/2007

(From the judgement and order dated 06/04/2007 in CRLMA No. 175/2007 of The
HIGH COURT OF UTTARANCHAL AT NAINITAL)

AMARMANI TRIPATHI

Petitioner(s)

VERSUS

STATE OF UTTARANCHAL & ANR.

Respondent(s)

(With appln(s) for permission to file nomination and office report)

Date: 16/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr.Rakesh Dwivedi, Sr.Adv.

Mr. Vishwajit Singh,Adv.

Mr.Siddharth Sengar, Adv.

For Respondent(s)CBI

Mr.Gopal Subramanium, ASG

Mr.T.Srinivasa Murthy, Adv.

Mr.P.Parneswaran, Adv.

Mr.R.N.Trivedi, Sr.Adv.

Mr.Anuvrat Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard both sides.

The appeal is disposed of in terms of the signed order.

(G.V.Ramana)

(Veera Verma)

Court Master

Court Master

(Signed order is placed on the file)