

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 (Civil)...../2013

CC 4039-4040/2013

(From the judgement and order dated 28/03/2012 in WP No.6441/2010, dated 09/08/2012 in WP No.6441/2010, of The HIGH COURT OF GUWAHATI, ASSAM)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

JOYANTO KUMAR SINHA & ORS.

Respondent(s)

WITH I.A. 1-2(C/delay in filing SLP)

Date: 22/02/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)

Mr. Amarjeet Singh Chandhiok, ASG
Mr. B.V. Balaram Das, Adv.
Mr. P.S. Parmar, Adv.
Mr. Shaheen Parveen, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Issue notice returnable within six weeks.

Mr. Amarjeet Singh Chandhiok, learned ASG, submits that amount of Rs. 50,000/- awarded by the High Court towards compensation has already been paid to respondent No. 1. He further submits that the petitioners would have no objection to depositing such further amount as may be directed by this Court to enable respondent No. 1 to appear in this Court and contest the matter.

In the facts and circumstances of this case, we direct Union of India - petitioner to deposit a further amount of Rs. 50,000/- in this court. Notice sent to respondent No. 1 shall specifically state that upon his appearance, the amount of Rs. 50,000/- shall also be available to him towards legal expenses to enable him to contest the matter.

We do not wish to express any opinion on the merits of the controversy at this stage. All that we need say is that if the allegations made by respondent No. 1 are eventually found to be correct then the amount awarded by the High Court may have to be suitably enhanced apart from issuing any further directions that may prevent re-occurrence such incidents in future and also punish those guilty of abusing their official position in picking up and torturing an innocent citizen. The Union of India - petitioner is accordingly put on notice. It shall be free to place on record any material to show why compensation amount awarded by the High Court should not be enhanced in the event of allegations made by respondent No. 1 are found to be correct.

Subject to above, the operation of the impugned order shall remain stayed, until further orders.

| (N.K. GOEL)
| COURT MASTER

| | (VEENA KHERA)
| | COURT MASTER

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