

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO.68 OF 2008

LALITA KUMARI

Petitioner(s)

VERSUS

GOVT.OF U.P.& ORS.

Respondent(s)

(With appln.(s) for intervention and office report)

Date: 08/08/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. S.B. Upadhyay, Sr. Adv.  
Mr. B.K. Shahi, Adv.  
Mr. B.P. Gupta, Adv.  
Mr. Pranesh, Adv.  
Ms. Mona Rajvanshi, Adv.

For Respondent(s) Ms. Sharmila Upadhyay, Adv.

For Intervenor(s) Mr. S.P. Juneja, Adv.  
Mr. Debasis Misra, Adv.

For Mizoram: Mr. K.N. Madhusoodhanan, Adv.  
Mr. M.K. Michael, Adv.

For Gujarat: Ms. Hemantika Wahi, Adv.  
Ms. Pinky, Adv.  
Ms. K. Enatoli Sema, Adv.  
Mr. Somnath, Adv.

For Maharashtra: Mr. Ravindra K. Adsure, Adv.

For N.C.T. of Delhi: Mr. S.W.A. Qadri, Adv.  
Ms. Sadhana Sandhu, Adv.  
Mr. D.S. Mahra, Adv.

For Punjab: Mr. Ajay Pal, Adv.

For Manipur: Mr. Kh. Nobin Singh, Adv.  
Mr. David Rao, Adv.  
Mr. S. Biswajit Meitei, Adv.  
Mr. Vijay Prakash, Adv.

For Assam: Mr. Avijit Roy, Adv.  
for M/s. Corporate Law Group, Advs.

For Uttar Pradesh: Ms. Shobha Dikshit, Sr. Adv.  
Mr. T.N. Singh, Adv.  
Mr. Rajeev Dubey, Adv.  
Mr. Kamendra Mishra, Adv.

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For Karnataka:

Ms. Anitha Shenoy, Adv.

For Tamil Nadu and Mr. V.G. Pragasam, Adv.

U.T. Pondicherry: Mr. S.J. Aristotle, Adv.

Mr. Prabu Ramasubramanian, Adv.

UPON hearing counsel the Court made the following  
ORDER

By order dated 14th July, 2008, we issued notices to the Chief Secretaries of all the States and Union Territories and Director Generals of Police/Commissioners of Police, as the case may be, to show cause as to why the directions enumerated therein be not given by this Court. Notices were sent to the aforesaid authorities by the Supreme Court Registry by fax and it was mentioned in the notices that the order has been put on the website of the Supreme Court of India so that they may file responses without loss of time. The order was put on the website of the Supreme Court of India, as directed by this Court.

It appears that notices have been served upon the Chief Secretaries of all the States and Union Territories and all the Director Generals of Police/Commissioners of Police, as the case may be,

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but, in spite of that, it is pathetic state of affairs that only two States, viz., States of Uttar Pradesh and Arunachal Pradesh, have responded and the other States did not bother to file their responses. Some of them have simply engaged their counsel, who are appearing in court, and, as usual, they have made prayer for time to file responses.

In spite of the order passed on 14th July, 2008, that we intend to give certain directions enumerated therein, it is unfortunate that neither the Director Generals of Police/Commissioners of Police, as the case may be, nor the Superintendents of Police has taken any steps by giving suitable directions to the officers in-charge of the police stations. In view of this, we direct the Chief Secretaries of all the States and Union Territories

and Director Generals of Police/Commissioners of Police, as the case may be, to see that the police officers posted in every police station throughout the country should act in accordance with the order dated 14th July, 2008, treating the proposed directions therein given by this Court to be the interim ones and, in case there is any failure on the part of any police officer, the concerned authority shall take immediate action against that officer.

In any view of the matter, we grant two weeks' time by way of last chance to the Chief Secretaries of all the States and Union Territories, except Chief Secretaries and Director Generals of Police of the States of Uttar Pradesh

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and Arunachal Pradesh, as well as Directors General of Police/Commissioners of Police, as the case may be, to file responses failing which they shall have to appear in court in-person on the next date fixed in this case. As all the States and Union Territories are represented before this Court, it was not necessary for the Registry to communicate this order to the Chief Secretaries or Directors General of Police/Commissioners of Police, as the case may be. Nonetheless, the Registry is directed to communicate this order by fax as well to the Chief Secretaries of all the States and Union Territories and all the Director Generals of Police/ Commissioners of Police, as the case may be,

Let order dated 14th July, 2008, and this order be put on the website of the Supreme Court of India so that the people of India may know what directions have been given by this Court and they may take appropriate steps in case of any inaction on the part of the concerned officer of the police station in instituting a case and the Chief Judicial Magistrate/Chief Metropolitan Magistrate, as the case may be, shall take action in a case of inaction upon filing of complaint petition and give direction to institute the case within the time directed in the said

order failing which the Chief Judicial Magistrate/Chief Metropolitan Magistrate, as the case may be, shall not only initiate action against the delinquent police officer but punish them suitably by sending them to jail, in case the cause shown is found to be unsatisfactory. Apart from this, the Chief Judicial Magistrate/Chief Metropolitan Magistrate, as the case may be, shall

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report the matter to the disciplinary authority at once by fax as well upon receipt of which the disciplinary authority shall suspend the concerned police officer immediately in contemplation of departmental proceeding.

Place the matter on 25th August, 2008.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Om Prakash ]  
Assistant Registrar

OUT-TODAY

ITEM NO.62-A

COURT NO.2

SECTION X

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U.T. Pondicherry: Mr. S.J. Aristotle, Adv.  
Mr. Prabu Ramasubramanian, Adv.

For Haryana: Mr. Manjit Singh, Adv.  
Mr. T.V. George, Adv.

UPON hearing counsel the Court made the following  
ORDER

Let a copy of the order passed today and order dated 14th July, 2008, both of which have been put on the website, be sent to the Registrar Generals of all the High Courts and Registrar (Admn.) of the Orissa High Court, by fax as well, for communicating the same to all the Sessions Judges, who shall, in their turn, communicate it to all the Magistrates within their respective districts.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Om Prakash ]  
Assistant Registrar