

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

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.1351 OF 2006

RANDHIR SINGH
Appellant

Appel

(s)

VERSUS

STATE OF U.P. AND ORS.

Respondent (s)

(With appln(s) for stay and office report)

Date: 21/03/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

HON'BLE MR. JUSTICE H.S. BEDI

For Appellant(s)

Mr. Naresh Kaushik,Adv.

Ms. Amita Kalkal,Adv.

Mr. B.S. Methaila,Adv.

Mr. Satish Dayanandan,Adv.

Mr. Parag Goel,Adv.

Ms. Mala Kapoor,Adv.

Ms. Lalita Kaushik,Adv.

For Respondent(s) Mr. Ansar Ahmad Chaudhary,Adv.

Mr. Ratnakar Dash,Sr.Adv.

Mr. S.A. Rao,Adv.

Mr. Javed Mahmud Rao,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

[Alka Dudeja]

Court Master

[Vijay Aggarwal]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1351 OF 2006

Randhir Singh

...Appellant(s)

Versus

State of Uttar Pradesh and Ors.

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

The Trial Court acquitted the respondents of the charges under Sections 147, 148, 149, 307/149, 353, 323, 336 and 325 of the Indian Penal Code [for short, 'the I.P.C.'] apart from Section 25 of the Arms Act. Against the order of acquittal, the State filed an application before the High Court for grant of leave to appeal, which has been refused by the impugned order and thereafter the Court passed the following order:

"In our opinion, it is a case where a case should be registered against the police men and a through investigation by the C.B.C.I.D. be conducted. We direct the Special Secretary (Home) and the D.G.P. to order registration of the case against the concerned policemen and investigation of this case be entrusted to the C.B.C.I.D. and a progress report be submitted regularly every month from the date investigation commences to this Court. The registration of the case and the investigation be undertaken within a month from the date the learned A.G.A. provide the D.G.P. and the Special Secretary, Home, a copy of this judgment.

If from the side of the villagers any report was registered at the police station that would also constitute a part of this investigation even if a final report is submitted in this case."

....2/-

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Against the impugned direction, the present appeal has been filed.

While issuing notice on 29th April, 2005, this Court

directed that the investigation as aforesaid directed by the High Court shall continue and the report shall be submitted to this Court. The C.B.C.I.D. has submitted an interim report before this Court, in which a finding has been recorded that the police encounter cannot be said to be a fake one. In view of this report and the facts and circumstances of the case, we are of the view that the High Court was not justified in giving the aforesaid direction.

Accordingly, the appeal is allowed and the aforesaid direction as quoted above given by the High Court is hereby quashed.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

.....J.

[H.S. BEDI]

New Delhi,
March 21, 2007.