

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
SUO MOTU WRIT PETITION (CIVIL) NO(s). 139 OF 2013

IN RE: "PUNJAB COPS BEAT UP WOMAN IN PUBLIC" AND "POLICE LATHI-CHARGE PROTESTING CONTRACTUAL TEACHERS IN PATNA" PUBLISHED IN VARIOUS NEWSPAPERS OF THE COUNTRY DATED 5.3.2013 & 6.3.2013

(With appln.(s) for exemption from filing O.T. and intervention and office report)

WITH SUO MOTU WRIT PETITION (CIVIL) NO(s).286 OF 2013

SUO MOTU WRIT PETITION (CIVIL) NO(s).335 OF 2013

(With appln.(s) for impleadment)

WRIT PETITION(C) NO.169 OF 2013

(with appln(s) for directions and permission to bring additional facts and documents on record and impleadment and permission to file additional documents and office report)

Date: 12/11/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C.NAGAPPAN

Amicus Curiae Mr.Harish N.Salve, Sr.Adv.

Mr.Prakash Singh, In-person

For the appearing Parties Mr.Siddharth Luthra, ASG
Ms.Padmalkshmi Nigam, Adv.
Mr.B.V.B.Das, Adv.

For U.O.I. Mr.D.L.Chidanand, Adv.
Mr.S.A.Haseeb, Adv.
Mr.B.K.Prasad, Adv.

For State of Sikkim Mr. A.K. Ganguli, Sr. Adv.
Mr. A. Mariarputham, AG, Sikkim
Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.

For State of Bihar Mr.Ranjit Kumar, Sr.Adv.
Mr.Gopal Singh, Adv.
Mr. Chandan Kumar, Adv.

For State of Uttarakhand Mr.Dinesh Dwivedi, Sr.Adv.
Mr.Ashutosh Kr.Sharma, Adv.
Mr.Manish Shankar Srivastav, Adv.
Mr.Prateek Dwivedi, Adv.
Mr.Krishnan Mishra, Adv.
Mr.Jatinder K.Bhatia, Adv.

For State of H.P. Mr.Altaf Ahmed, Sr.Adv.
Mr.D.Mahesh Babu, Adv.

Mr.Altaf Ahmed, Sr.Adv.
Mr.A.D.N.Rao, Adv.
Ms.Mansha Monga, Adv.
Mr.Sudipto Sircar, Adv.

For State of U.P. Mr.Gaurav Bhatia, AAG
Mr.Sudeep Kumar, Adv.
Mr. Ravi Prakash Mehrotra, Adv.

For State of Raj. Mr.Jasbir Singh Malik, AAG
Ms.Sunita Sharma, Adv.

Mr.Milind Kumar, Adv.

Mr.Sanjay Kharde, Adv.
Mr.Ravindra K.Adsure, Adv.
Mrs.Subhangi Tuli, Adv.

Mr.V.K.Biju, Adv.
Ms.Seema Rao, Adv.
Mr.Harsh Prabhakar, Adv.
Mr.Mohit Nagar, Adv.

For State of T.N. Mr. B.Balaji, Adv.

For State of Haryana Mr.Tarjit Singh, Adv.
Mr.Vinay Kuhar, Adv.

For Petitioner(s) Mr. Prashant Bhushan, Adv.
In WP 169/2013 Mr. Sunil Mathews, Adv.
Mr. Aditya Shukla, Adv.
Mr. Rajeev Singh, Adv.

For State of Mizoram Mr. Pragyan P. Sharma, Adv.
Mr.H.Kayina, Adv.

For State of Assam Ms.Krishna Sarma, Adv.
Mr.Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.

For State of Kerala Mr. M.T. George, Adv.
Ms. Kavitha K.T, Adv.

For State of Arunachal Pradesh Mr.Anil Shrivastav, Adv.
Mr.Rituraj Biswas, Adv.

For U.T. of A&N Administration Mr. Balasubramanian, Adv.
Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

For UT of Puducherry Mr.V.G.Pragasam, Adv.
Mr.S.J.Aristotle, Adv.
Mr.Prabu Ramasubramanain, Adv.

For State of Tripura Mr. Gopal Singh, AOR
Mr. Rituraj Biswas, Adv.

For State of Raj. Mr. Jasbir Singh Malik, AAG
Mr.Milind Kumar, Adv.

For State of Meghalaya Mr.Ranjan Mukherjee, Adv.
Mr.Subhro Sanyal, Adv.

For State of Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Khwairakpam Nobin Singh, AOR

For State of Nagaland Mrs.K.Enatoli Sema, Adv.
Mr.Amit Kumar Singh, Adv.

For State of W.B. Mr. Anip Sachthey, Adv.
Mr.Saakaar Sardana, Adv.

For State of Gujarat Mr.Tataghat, Adv.
Ms.Parul Kumari, Adv.

For State of Jharkhand Mr. Tapesk Kumar Singh, Adv.
Mr.Mohd.Waquas, Adv.
Kumar Anurag Singh, Adv.

For State of Odisha Mr.Ashok Panigrahi, Adv.
Mr.Santosh Kumar, Adv.
Mr.Surajit Bhaduri, Adv.

For State of Punjab Mr.Pardaman Singh, Adv.

For State of Andhra Pradesh Mr. G.N.Reddy, Adv.

For State of Chhattisgarh Mr.Apoorv Kurup, Adv.
Mr.C.D.Singh, Adv.
Ms.Sakshi Kakkar, Adv.

For State of H.P. Ms.Pragati Neekhara, Adv.

For State of J & K Mr. Sunil Fernandes, Adv.

For State of Karnataka Mr.V.N.Raghupathy, Adv.
Mr.Abhinav Mukherji, AOR
Mr.Ashok Kumar Thakur, Adv.
Mr.Imran K.Burney, Adv.
Mr.F.A.Siddiqui, Adv.
Mr.Anil K.Chopra, AOR
Mr.Balaji Srinivasan, AOR
Mr.Radha Shyam Jena, AOR
Mr.E.C.Vidyasagar, AOR
Mr.Shadan Farasat, Adv.
Mr.Gaurav Govinda, Adv.
Ms.Rachna Srinvastava, AOR

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

W.P.(C)No.139/2013, W.P.(C)No.286/2013 and W.P.(C)No.335/2013

List these cases on 19.11.2013.

W.P.(C)No.169/2013

Heard Shri Prashant Bhushan, learned counsel for the petitioners, Shri A.K.Ganguli, learned senior counsel for the State, Shri A.D.N.Rao, learned counsel for respondent No.2 and Shri Siddharth Luthra, learned Additional Solicitor General for the Central Bureau of Investigation.

In terms of order dated 18.07.2013 read with order dated 22.07.2013, Shri I.C.Dwivedi, former Director General of Police, Uttar Pradesh conducted a thorough probe into the incident which occurred on 11.02.2013 at Gangtok and submitted comprehensive report dated 11.10.2013. The report is taken on record. Copies of the report have been made available to the learned counsel for the parties.

Having gone through the report of Shri I.C.Dwivedi, we are convinced that the prosecution launched by the State and its agencies against the members of the political party to which the petitioners belong is totally unwarranted and the same deserves to be stayed. Ordered accordingly.

For consideration of the issue whether the Court should entertain the prayer of the petitioners for ordering an inquiry against respondent No.2 or an investigation by the Central Bureau of Investigation, the matter is adjourned to 26.11.2013.

While adjourning the case, we record our deep appreciation for

the efforts made by Shri I.C.Dwivedi to conduct an inquiry into the matter and direct the Government of Sikkim to pay a sum of Rs.1 lakh to Shri I.C.Dwivedi, former Director General of Police, Uttar Pradesh as honorarium.

The parties may, if so advised, file additional affidavits within two weeks.

List the case on 26.11.2013.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master