

ITEM NO.76 COURT NO.10 SECTION X

SUPR EME COU R T OF I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CRL.) NO(s). 33 OF 2009

MONICA KUMAR &amp; ANR. Petitioner(s)

VERSUS

STATE OF U.P.&amp; ORS. Respondent(s)

(With appln(s) for directions and permission to file counter affidavit and permission to file additional documents and office report)

Date: 20/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) In-Person.

For Respondent(s) Mr. Dinesh Dwivedi, Sr. Adv.  
For State of U.P. Mr. Shail K. Dwivedi, AAG  
Mr. Rajeev K. Dubey, Adv.  
Mr. Kamalendra Mishra, Adv.For R-4 Mr. A.K. Ganguli, Sr. Adv.  
Mr. C.L.Pandey, Sr. adv.  
Mr. T. Mahipal, Adv.For R-3 Mr. C.S. Vaidyanathan, Sr. Adv.  
Mr. Alok Kumar, Adv.For R-2 Mr. K.K. Venugopal, Sr. Adv.  
Mr. Manoj Kumar, Adv.  
Mr. S. Chandra Shekhar, adv.UPON hearing counsel the Court made the following  
ORDER

Though a letter for adjournment has been circulated on behalf of the State of Uttar Pradesh, yet we have heard this matter.

Heard the petitioners, appearing in person and the learned counsel appearing for all the parties.

On the facts and circumstances of the case, we are of the opinion that the petitioners should approach the concerned High Court under Article 226 of the Constitution instead of approaching this Court under Article 32 of the Constitution of India for the reliefs claimed. Accordingly, this petition under

Article 32 of the Constitution is dismissed with liberty to the petitioners to approach the High Court under Article 226 of the Constitution, if so advised. We make it clear that we are making no observation whether the reliefs claimed by the petitioners should be granted or not. That shall be decided by the High Court, if a petition is filed under Article 226, in accordance with law after hearing the parties concerned.

(Ajay Kr. Jain)  
Court Master

(Indu Satija)  
Court Master