

ITEM NO.205

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SCriminal Appeal No(s). 2094/2014

AMRIT SINGH

Appellant(s)

VERSUS

STATE OF U.P. &amp; ORS.

Respondent(s)

(with office report)  
(With Final Disposal)

Date : 01/07/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE R. BANUMATHIFor Appellant(s) Mr. Vivek Vishnoi,Adv.  
Mr. Mukesh Verma,Adv.  
Mr. Pawan Kumar Shukla,Adv.  
Mr. Yash Pal Dhingra,Adv.For Respondent(s) Mr. Maninder Singh,ASG  
Mr. T.N. Razdan,Adv.  
Mr. Shalinder Saini,Adv.  
Mr. R.Balasubramanium,Adv.  
Mr. B. V. Balaram Das,Adv.Mr. Pramod Swarup,Sr.Adv.  
Mr. Mukul Singh,Adv.  
Ms. Pragati Neekhra,Adv.Mr. Sanjay Mani Tripathi,Adv.  
Mr. Kamal Kant Tripathi,Adv.  
Ms. Anu Gupta,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard.

We had by our order dated 9<sup>th</sup> September, 2014 directed a preliminary enquiry by the Central Bureau of Investigation (CBI) into the alleged release of one-Krishna Dev Tiwari, a

life convict whose appeal against conviction and sentence for imprisonment had been dismissed by the High Court of Judicature at Allahabad but who claimed to have already served out the sentence awarded to him. We had also directed CBI to register an appropriate case against all those responsible in connection with the release of the convict, fabrication of record and commission of such other offences as may be found to have been committed in the course of the enquiry. CBI has now submitted a report dated 6<sup>th</sup> April, 2015 seeking permission to register a fresh regular case against Krishan Dev Tiwari and for subjecting him to forensic/scientific tests like polygraph and to ascertain the role of any jail staff or any other person in the fabrication of any document relating to his release.

A reading of the report shows that the enquiry so far conducted by CBI has revealed that he has not served his full term of conviction which he was supposed to serve in jail. His versions have been found to be contradictory at different occasions and places. The report also refers to registration of a case Crime No.904/2000 at Police Station Kotwali, District Basti, on the same facts against Krishna Dev Tiwari and his two brothers. His release from Basti Jail has been described as dubious. It is also mentioned that a chargesheet has been filed by the local police and the case is pending trial in the court of C.J.M., Basti, Uttar Pradesh. Suffice it to say that the apprehension expressed by this Court in our Order dated 9<sup>th</sup> September, 2014 has been found to be justified

on the preliminary enquiry conducted by CBI who now seeks permission of this Court to register a separate case against accused for a proper and effective investigation.

Having heard learned counsel for the parties at some length, we see no reason to decline the permission prayed for by CBI. We accordingly take Report dated 6<sup>th</sup> April, 2015 on record and permit CBI to register a case against accused and to conduct effective and proper investigation into the same to take the proceedings to their logical conclusions. CBI may after doing needful submit a status report to this Court as to the progress made in the matter as far as possible within a period of six months. Post after needful is done.

We also deem it appropriate to direct that further proceedings in the case Crime No.904 of 2000 pending before the Court of C.J.M. Basti, U.P., shall remain stayed till such time CBI completes its investigation and takes the follow-up action. We leave it open to the CBI to examine whether the conclusion of the investigation conducted by it can result in submission of a report under Section 173(8) of Cr.P.C. or an independent charge-sheet depending upon the outcome of the investigation.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER