

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12981/2008

(From the judgement and order dated 19/03/2008 in CMWP
No. 12660/2008 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAHAR SINGH YADAV & ANR. Petitioner(s)
VERSUS
UNION OF INDIA & ORS. Respondent(s)

(With appln. for intervention and permission to place addl.
documents on record)

WITH

W.P.(C) No. 306/2008
(with appln. for interim directions and exem. from filing O.T. and
amendment of prayer portion and c/delay in filing appln. for
amendment and intervention)

WITH

I.A. No. 1 in SLP(C) No..../2008
(For permission to file SLP and office report)

Date: 23/03/2010 These Petitions were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.
Mr. Ranvir Singh, Adv.
Mr. Abhishek Yadav, Adv.

Ms.Kamini Jaiswal, Adv.
Mr. Prashant Bhushan, Adv.

Mr. Viplav Sharma, in-person

For Respondent(s) Mr. G.E.Vahanvati, A.G.
Mrs. Anil Katiyar, Adv.
Mr.Rohit Sharma, Adv.
Mr.Mihir Chatterjee, Adv.
Mr.T.A. Khan, Adv.
Mr. B. Krishna Prasad ,Adv

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Mr. Shail Kumar Dwivedi, Addl.A.G.
Mr. Manoj Kumar Dwivedi, Adv.
MS.Vandana Mishra, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Sunil Dutta Mishra, Adv.

Mr. Ashok K.Srivastava, Adv.
Mr. Shaiwal Srivastava, Adv.

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

As regards the progress in investigations, being conducted by the CBI, the learned Attorney General submits that in all about thirty thousand opinions on hand writings have been received from the Central Forensic Science Laboratory. According to him field investigations are almost over and the reports submitted by the laboratory are now being examined by the Investigating Officer, who would submit his final report to the senior officers as per the procedure prescribed in the CBI Manual for further scrutiny. This exercise is likely to take about three months time, as about 220 persons are involved in the case. In view of the submissions, let the matter be listed for further directions after three months.

In pursuance of our order dated 20th October, 2009 Special Judicial Magistrate (CBI Ghaziabad) has submitted his enquiry report, dated 21st December, 2009, relating to the cause of death of undertrial prisoner Ashutosh Asthana on 17th October, 2009. The report is taken on record. To enable the learned Attorney General to assist us in making final orders on the issue, let a copy of the report be supplied to him by the Registry. Ms Kamini Jaiswal, learned counsel appearing on behalf of the petitioner in Writ Petition No.306 of 2008

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prays that a copy of the report be supplied to her also. She may obtain a copy thereof from the office of the learned Attorney General.

Shri Vahanwati has placed before us a copy of letter dated 20th November, 2009 received by him from the District and Sessions Judge Ghaziabad, clarifying his position on the prayer made by the CBI for transfer of the case from his Court to some other Court in Delhi. Learned counsel submits that in the light of what is stated in the said letter, for the present, the CBI is not insisting on transfer of the case from Ghaziabad Court and as and when some direction is required for the purpose of investigations, necessary orders shall be obtained from the Special Judge (CBI) Ghaziabad.

[Usha Bhardwaj]
Court Master

[Pushap Lata Bhardwaj]
Court Master