

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

I.A. NO. 8 IN

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.
(For Directions)

Respondent(s)

Date: 20/10/2009 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. Anil Divan, Sr. Adv.
Mr. M.N.Krishnamani, Sr. Adv.
Mr. K.C.Kaushik, Adv.
Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv.
Mr. Ranvir Singh, Adv.

Mr. Prashant Bhushan, Adv.

For Respondent(s)

Mr. G.E.Vahanvati, A.G.
Mr. Chinmoy Pradip Sharma, Adv.
Mr. T.A. Khan, Adv.
Mrs. Anil Katiyar, adv.
Mr. B. Krishna Prasad ,Adv

Mr. Shail Kumar Dwivedi, Addl.A.G.
Mr. Manoj Kumar Dwivedi, Adv.
Mr. Ashutosh Sharma, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

..2/-

: 2 :

Mr. Vishwajit Singh, Adv.

Mr. Ashok K.Srivastava, Adv.

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

Having heard learned senior counsel for the
applicant, the learned Attorney General and learned
counsel for the State of U.P., we issue the following
directions:

i) As agreed by learned counsel for the State, the

viscera, stated to have been preserved, shall be handed over to the team of the C.B.I., who is already conducting investigations in the entire matter;

ii) As suggested by the learned Attorney General, the C.B.I. shall get the viscera tested in the All India Institute of Medical Science, New Delhi;

iii) The Judicial Magistrate, who is to be nominated by the District and Sessions Judge, Ghaziabad, shall conduct the inquiry in terms of Section 176 (1A) of the Code of Criminal Procedure, 1973 into the cause of the death of Ashutosh Asthana in the Dasana District Jail, Ghaziabad;

iv) The Magistrate shall submit his report to this Court through the District Judge within eight weeks from today;

v) Adequate protection shall be provided by the State to all the witnesses as well as the accused.

[Charanjeet Kaur] [Pushap Lata Bhardwaj]
Court Master Court Master