

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 S

Petition(s) for Special Leave to Appeal (Civil) No(s).1 2 9 8 1 / 2 0 0 8

(From the judgement and order dated 1 9 / 0 3 / 2 0 0 8 in CM W P No. 1 2 6 6 0 / 2 0 0 8 of The HIGH COUR T OF JUDIC A T U R E AT AL L A H A B A D)

NAHA R S I N G H Y A D A V & A N R.

Petitioner(s)

VER SUS

U N I O N O F I N D I A & O R S.

Respondent(s)

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

W I T H

W. P(C) NO. 3 0 6 of 2 0 0 8

With appln. for interim directions and exem. from filing O.T. and amendment of prayer portion and c/delay in filing appln. for amendment)

W I T H

S L P (C) No...../ 2 0 0 8 CC No. 1 2 5 7 1

(with appln. for permission to file S L P and office report)

Date: 0 9 / 0 9 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

HON' B L E Dr. J U S T I C E A R I J I T P A S A Y A T

HON' B L E MR. J U S T I C E V. S. S I R P U R K A R

HON' B L E MR. J U S T I C E G. S. S I N G H V I

For Petitioner(s)
in S L P 1 2 9 8 1 / 2 0 0 8

Mr. Anil B.Dewan, Sr. Adv.
Mr. M.N. K r i s h n a m a n i , Sr. Adv.
Mr. K.C. K a u s h i k, Adv.
Mr. Br aj Kishore Mishra, Adv.
Ms. Aparn a Jh a, Adv.
Mr. Abhishek Yadav, Adv.
Mr. R a n v i r Singh, Adv.
Mr. Narendr a Yadav, Adv.
Mr. A. K . S a h u, Adv.
Ms. Tanushree Sinha, Adv.

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in W. P .(C) No. 3 0 6 / 2 0 0 8 :

Mr. Shanti Bhush a n, Sr. Adv.
Mr. P r a s h a n t Bhush a n, Adv.
Mr. Rohit Kr. Singh, Adv.
Mr. Sumeet Shar m a , Adv.
Mr. Mayank Mishr a, Adv.

For Respondent(s)

Mr. Jyotindra Mishr a, Advocate General,
Mr. Shail Ku m a r Dwivedi, AAG
Mr. Manoj Ku m a r Dwivedi, Adv.
Mr. Gunna m Venkateswa r a Rao, Adv.

Mr. G.E.V a h a n v a t i, S.G.
Mr. Chinmoy P r a d i p Shar m a , Adv.
Mr. B. Krishn a P r a s a d , Adv

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

During the course of hearing of these petitions it was highlighted by learned counsel for the petitioners that Senior Superintendent of Police, Ghaziabad has written several letters to the Director General of Police, U.P. inter alia suggesting that the investigation of the case in question should be done through the Central Bureau of Investigation. Reference is made to the three letters dated 23.06.2008, 19/07/2008 and 22/07/2008.

Learned counsel for the State of U.P. was not in a position to tell us as to what decision has been taken on the request made by Senior Superintendent of Police, Ghaziabad as appears

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from the order dated 19.03.2008 passed by the Allahabad High Court in Civil Misc. Writ Petition No. 12660/2008. Amongst other directions following directions were given:

In the facts and circumstances and regard having had to the progress/compliance report submitted in this Court that the investigation is going on satisfactorily at this stage, it is directed that the Investigating Officer is not changed nor is he burdened with any other work and the Senior Supdt of Police shall ensure that all possible assistance is provided to him for expeditious culmination of the Investigation.

The S.S. P . Ghaziabad shall supervise the investigation and shall ensure that the investigation is not hampered by any avoidable and unnecessary delay.

The S.S. P . Ghaziabad shall provide assistance of special team within his control to trace and arrest the accused persons and in this connection, all the Senior Supdt. of Police/Senior Supdt. of Police in the respective districts of the State shall extend all possible help in the matter to the Investigating Officer in case accused are traced to a place beyond Ghaziabad.

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The Investigating Officer shall intimate the progress in the investigation at regular intervals through Government Advocate. The status report shall be submitted on the date fixed through Government Advocate in the matter.

The State Government is directed to indicate its view as regards the request made by the Senior Superintendent of Police, Ghaziabad as noted above. Even though the Allahabad High Court seems to have suggested that the investigation should be done under the supervision of the Senior Superintendent of Police, Ghaziabad, the said officer has indicated several difficulties faced by him and other officials and therefore making a request for the investigation before handing over to the CBI.

The decision shall be brought on record along with an affidavit. Let the aforesaid exercise be done within two weeks.

List these matters on 22nd October, 2008.

A copy of our order be given to Hon'ble the Chief Justice of Allahabad High Court for the purpose of information as the aforesaid Civil Misc. Writ Petition

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No. 12660 / 2008 is continuing on board because of the direction for submission to periodic status report.

(Shashi Sareen)
Court Master

(Shashi Bal a Vij)
Court Master