

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

I.A. NOS.4-5 IN TRANSFERRED CASE (CIVIL) NO.74 OF 2013

NASEEMUDDIN SIDDIQUI

Petitioner(s)

VERSUS

STATE OF U.P. AND ORS.

Respondent(s)

(For interim stay and exemption from filing O.T.)

Date: 02/05/2013 This Matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

HON'BLE MR. JUSTICE SHARAD ARVIND BOBDE

For Petitioner(s) Mr. P.H. Parekh, Sr. Adv.

Mr. Rajeev Singh, Adv.

Mr. Ajay Amritraj, Adv.

Mr. Vishal Prasad, Adv.

Mr. Anil Kumar Srivastava, Adv.

For Respondent(s) Dr. Rajiv Dhavan, Sr. Adv.

No.1: Mr. Ravi Prakash Mehrotra, Adv.

Mr. Mukesh Verma, Adv.

Mr. Vibhu Tiwari, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. Nos.4-5 of 2012 have been filed in Transferred Case No.74 of 2013, whereby the applicant, Shri Naseemuddin Siddiqui, who is now the petitioner in Transferred Case No.74 of 2013, has, inter alia, prayed for the following reliefs:

"[i] stay the effect and operation of order passed by the Competent Authority/Chief Minister in pursuant to

...2/-

- 2 -

the report/recommendation of the Lokayukta directing vigilance enquiry against the Respondent No.1 during the pendency of the present Transfer Petition before this Hon'ble Court, and;

[ii] stay the further proceeding in pursuant to the order passed by the Competent Authority/Chief Minister on the report/recommendation of the Lokayukta directing vigilance enquiry against the applicant/Respondent No.1 during the pendency of the Transfer Petition before this Hon'ble Court, and;

[iii] direct the Director General, Vigilance, State of

U.P. not to proceed further in the matter in pursuant to the order passed by the Competent Authority/Chief Minister on the report/ recommendation of the Lokayukta directing vigilance enquiry against the Respondent No.1, till the pendency of the Transfer Petition before this Hon'ble Court."

Having heard Mr. Pravin Parekh, learned senior advocate for the applicant, and Dr. Rajiv Dhavan, appearing for the State of Uttar Pradesh, we are not inclined to stay the proceedings or the investigation, as prayed for in the application. The proceedings may, therefore, continue, but, in the meantime, the applicant should not be apprehended in connection with the investigation, without the leave of this Court. The applicant shall, however, cooperate with the Investigating Authorities, in case such need arises.

Let this matter be listed on 4th July, 2013, at the top of the List for further consideration.

[T.I. Rajput]
Deputy Registrar

[Juginder Kaur]
Assistant Registrar