

SECTION-IIA
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1255, 1256 and 1367 OF 1999

WITH

CRIMINAL MISCELLANEOUS PETITION NOS. 20448 OF 2011 & 9874 OF 2012
(Applications for intervention in Criminal Appeal No. 1255 of 1999)

PEOPLE'S UNION FOR LIBERTIES & ANR.

...APPELLANTS

VERSUS

STATE OF MAHARASHTRA & ORS.

...RESPONDENT

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 8nd February, 2011, when the Hon'ble Court was pleased to pass the following Order:-

“We direct the Chief Secretaries/Administrators of States of Uttar Pradesh, Jammu & Kashmir, Arunachal Pradesh, Goa, Haryana, Mizoram, Nagaland, Orissa, Sikkim and U. T. Chandigarh to file their affidavits within three weeks from today. No further time shall be granted.

Copies of this order be sent to the respective Chief Secretary/Administrator.

List this matter on 16.03.2011”

The matter above-mentioned was listed before the Hon'ble Court on 13th April, 2011, when the Hon'ble Court was pleased to pass the following Order:-

“Delay condoned in filing compliance affidavit.

According to the office report, pleadings are not complete.

We direct the parties to complete the pleaeings pursuant to the order.

List this matter after summer vacation.”

The matter above-mentioned was listed before the Hon'ble Court on 24th August, 2011, when the Hon'ble Court was pleased to pass the following Order:-

“In view of the request made by learned counsel for the appellant, list the matter next week.”

According a detailed chart showing the States who have entered appearance and filed reply affidavit or otherwise pursuant to Court's order dated 5th November, 2008 is given below for kind perusal to the Hon'ble Court.

SI. NO.	Name of the State	Name of the Advocates who have filed Vakalat and Appearance	Whether reply has been filed or not	Paper Books. Page Nos.
1.	Tripura	Mr. Gopal Singh, Adv.	Affidavit filed	450-456
2.	Bihar	Mr. Gopal Singh, Adv.	Reply Filed.	457-463
3.	Andhra Pradesh	Ms. D. Mahesh Babu, Adv.	Reply Affidavit & counter affidavit	419-433 & 682-702
4.	Mizoram	Mr. P. V. Yogeshwaran, Adv.	Reply Filed.	596A-608
5.	Uttarakhand	J. K. Bhatia and Milind Kumar, Adv.	Reply Affidavit filed	323-329
6.	Rajasthan	Irshad Ahmad	Affidavit filed	417-418 & 496-504
7.	Assam	M/s. Corporate Law Corporation, Adv.	Affidavit filed	592-596
8.	Manipur	Mr. K. H. Nobin Singh, Adv	Affidavit filed	365-389
9.	Tamil Nadu	Mr. S. Thananjayan, Adv	Affidavit filed	360-364
10.	Jharkhand	Mr. B. B. Singh, Advocate and Mr. Krishnanand Pandey, Advocate	Reply Filed.	542-548
11.	U. P.	Mr. G. Venkateshwara Rao, Adv.	Reply Filed.	626-638
12.	H. P.	Ms. Pragati Neekhra	Reply Affidavit	308-322
13.	Gujarat	Ms. Hemantika Wahi, Adv.	Affidavit filed	464-480 & 549-555
14.	M. P.	Ms. Vibha Dutta Makhija, Adv.	Affidavit filed	490-495
15.	Union Territory of Chandigarh	Mrs. Kamini Jaiswal, Adv.	Reply Affidavit	666-668
16.	Kerala	Mr. G. Prabhakar, Adv.	Counter Affidavit filed	415-416

Sl. NO.	Name of the State	Name of the Advocates who have filed Vakalat and Appearance	Whether reply has been filed or not	Paper Books. Page Nos.
17.	Karnataka	Mr. Sanjay R. Hegde, Ms. Anita Shinoy, Adv.	Reply Filed	587-591
18.	Chhattisgarh	Mr. C. D. Singh, Adv.	Affidavit Filed	Separate paper book
19.	Haryana	Mr. Kamal Mohan Gupta, Adv.	Reply Filed	639-644
20.	Govt. of Nct Delhi	Ms. Anil Katiyar, Adv.	Counter affidavit filed	330-359
21.	Govt. of Daman and Diu	Mr. D. S. Mahra Adv.	Reply Affidavit	390-401
22.	Dadar and Nagar Haveli	Mr. D. S. Mahra, Adv.	Reply Filed.	402-414
23.	Maharashtra	Ms. A. P. Mayee, Adv.	Affidavit filed	434-449
24.	U. O. I.	Mr. S. N. Terdal, Adv.	Counter Affidavit filed	481-489
25.	Punjab	Mr. Kuldip Singh, Adv	Reply Filed	571-581
26.	Meghalaya	Mr. Ranjan Mukhija, Adv	Reply filed	505-509
27.	West Bengal	Mr. Anip Sachthey, Adv.	Reply filed	510-541
28.	Sikkim	Mr. M/s. Arputham, Aruna & Co., Adv.	Affidavit filed	582-586
29.	Arunachal Pradesh	Mr. Anil Srivastava, Adv	Affidavit filed	609-625
30.	N. H. R. C.	Ms. Anita Shenoy, Adv.	Affidavit Filed (Separate paper book)	
31.	State of Goa		Affidavit Filed.	645-646
32.	State of Nagaland	Mr. Balaji Srinivasan	Affidavit filed	647-665
33.	J & K		Affidavit filed	669-679

The consolidated service position of the notice is as under:-

1. The appearance and affidavit of the remaining States/Union Territories viz. Orissa, Lakshdweep and pondicherry are still awaited.
2. Ms. A. Subhasini and Mr. Sunil Fernandes, Advocates have filed affidavit on behalf of State of Goa and J & K but they have not filed vakalatnama/appearance.
3. No Rejoinder to the counter/reply affidavit have been filed in the matters.

The Service of notice of lodgment of petition fo appeal is complete on all the Respondents in the above appeals and the Respondent Nos. 1 to 3 and 5 in Criminal Appeal No. 1255 of 1999 are represented through Mr. A.P.Mayee, and Snajay Parkeh, Advocates. Respondent Nos. 1 to 3 in Criminal Appeal No. 1256 of 1999 are represented through Mr. A.P.Mayee, Advocate.

And all the three Respondents in Criminal Appeal No. 1367 of 1999 are represented through Mr. A.P.Mayee, Advocate.

The Original Records has been received from the High Court in the appeal and the same are available in Court Room for Reference.

Mr. D. Mahesh Babu, Advocate has filed memo of appearance, but he has not mentioned the State in memo of appearance.

Mr. Gopal Singh, Advocate has filed response on behalf of State of Tripura with regard to guidelines on reporting of cases pending trial and the same has been included in the paper books at Page Nos. 680-681.

It is submitted that Ms. Liz Mathew, Advocate has filed memo of appearance on behalf of State of Kerala in all the appeals.

It is further submitted that Mr. Y. P. Dhingra, Advocate has filed vakalat/appearance and application for intervention on behalf of Mr. G. S. Saudha, in Criminal Appeal No. 1255 of 1999, which is registered as Criminal Miscellaneous Petition No. 20448 of 2011 and same has been tagged with Criminal Appeal paper books.

It is further submitted that Dr. Nafis Ahmed Siddiqui, Advocate has filed application for intervention and vakalatnama/appearance on behalf of All India Human Right and Social Justice in Criminal Appeal No. 1255 of 1999 which is registered as Criminal Miscellaneous Petition No. 9874 of 2012 and the same has been tagged with Criminal Appeal paper books.

It is further submitted that M/s. K.L. Mehta & Co., Advocates have dissolved and notice of alternative arrangement was given to the appellants in Criminal Appeal No. 1256 of 1999. Mr. P.N. Puri, Advocate has filed Vakalatnama/Appearance on behalf of appellant No.1. The appellant No.2 has neither filed memo of appearance as in-person nor filed

Vakalatnama/Appearance through any Advocate despite notice for alternative arrangement dated 24th August, 2011 and reminder dated 20th June, 2012.

It is lastly submitted that Mr. C. D. Singh and Ms. Pragati Neekhra, Advocates have filed memo of appearance on behalf of State of Chhattisgarh and State of Himachal Pradesh Respectively.

The Criminal Miscellaneous Petition Nos. 20448 of 2011 and 9894 of 2012 in Criminal Appeal No. 1256 of 1999 were listed before the Hon'ble Judge-in-chamber on 21st April, 2014, when His Lordship was pleased to pass the following order:-

“On a perusal of the office report, it transpires that the affidavit/reply has not been filed by the State of Orissa and two Union Territories, namely, Lakshdweep and Pondicherry. They are directed to file the affidavit within four weeks. Learned counsel Ms. A. Subhashini and Mr. Sunil Fernandes appearing for the State of Goa and Jammu & Kashmir respectively have not yet filed the Vakalatnama/appearance. They shall file the same within four weeks.

Learned Counsel for the petitioners undertakes to file the rejoinder affidavit within six weeks from today. Mr. D. Mahesh Babu, learned counsel has not filed the correct memo of appearance. He may do the needful within three weeks. The applications for interventions shall be considered at the time of final hearing of the appeal. Registry to see that needful is done and the directions given herein above are complied with.”

It is submitted that Mr. D.S. Mehra, Advocate has on 04th July, 2014 filed Vakalatnama/Appearance on behalf of Union Territory – Lakshadweep, Mr. Ashok Panigrahi, Advocate has on 17th July, 2014, filed vakalatnama/appearance on behalf of state of Orissa but they have not filed affidavit so far.

The Appearance and Affidavit of the remaining Union Territories viz. Pondicherry and Andaman & Nicobar Island are still awaited. Ms. A. Subhashini and Mr. Sunil Fernandes, Advocates for the State of Goa and J&k respectively have not filed Vakalatnama/Appearance.

The Counsel for the Petitioners have not filed Rejoinder Affidavit and Mr. D. Mahesh Babu, Advocate has not corrected the memo of appearance.

The matters above-mentioned were listed before the Hon'ble Court on 28th August, 2014 when the Hon'ble Court was pleased to pass the following order:-

“Mr. Gopal Sankarnarayanan, learned counsel, is appointed as amicus curiae, to assist in the matter.

List the matters on September 3, 2014 as first item.”

It is submitted that M/s.. Parekh & Co., Advocates have filed proof of service after serving the complete set of paper book on Mr. Gopal Sankarnarayanan, Advocate (A.C.) in Criminal Appeal No. 1255 of 1999.

The matters above-mentioned are listed before the Hon'ble Court with this office report.

DATED this the 2nd day of September, 2014.

ASSISTANT REGISTRAR

Copy to:

1. Mr. Gopal Singh, Adv.
2. Mr. D. Bharati Reddy, Adv.
3. Mr. P. V. Yogeshwaran, Adv.
4. Mr. J. K. Bhatia, Adv.
5. M/s. Corporate Law Group, Adv.
6. Mr. Kh. Nobin Singh, Adv.
7. Mr. S. Thananjayan, Adv.
8. Mr. B. B. Singh, Adv.
9. Mr. Anil Katiyar, Adv.
10. Mr. G. Venkateswara Rao, Adv.
11. Ms. A. P. Mayee, Adv.
- 12 M/s. Parekh & Co., Advs.
13. Ms. Hemantika Wahi, Adv.
- 14 Ms. V. D. Makhija, Adv.
15. Ms. Kamini Jaiswal, Adv.
- 16 Mr. G. Prakash, Adv.
- 17 Mr. Sanjay R. Hegde, Adv.
- 18 Mr. Jatinder K. Bhatia, Adv.
- 19 Mr. D. K. Sinha, Adv.
20. Mr. D. S. Mahra, Adv.
21. Ms. Anitha Shenoy, Adv.
22. Mr. Kamal Mohan Gupta, Adv.
23. M/s. Arputham, Aruna & Co., Adv.
24. Mr. Anil Srivastava, Adv.
25. Mr. D. Mahesh Babu, Adv.
26. Mr. Balaji Srinivasan, Adv.
27. Mr. Sunil Fernandes, Adv.
28. Dr. Nafis Siddiqui, Adv.
- 29 Mr. Y. P. Dhingra, Adv.
30. Mr. C. D. Singh, Adv.
31. Ms. Pragati Nelkhra, Adv.
32. Mr. Gopal Sankarnarayanan, Adv. (A.C.)

ASSISTANT REGISTRAR

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