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CrI.A.No. 324 OF 2004
ITEM No.2

Court No. 2

SECTION IIA
A/N MATTER

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

Suo-Moto Petition No.5410/2004 in Criminal Appeal No. 324/2004

KALYAN CHANDRA SARKAR

Appellant (s)

VERSUS

RAJESH RANJAN @ PAPPU YADAV & ANR.

Respondent (s)

(In Re:News Item "Madhepura in a Tizzy over Pappu visit" in the Times of India dated 05.05.2004 and with Appln.(s) for exemption from filing O.T. And office report)
(For further directions)

With

CrI.A.No.1129/2004

(With Appln.(s) for directions and permission to place addl.documents on record and stay)

Date : 14/12/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE S.B. SINHA

For Appellant (s)

Ms. Indu Malhotra,Adv.

Mr. S.Chandra Shekhar, Adv.

For Respondent (s)

Mr. R.K. Jain, Sr. Adv.
Mr. Prem Nath Malhotra,Adv.

Mr. A. Sharan, ASG

Ms. Sandhya Goswami, Adv.

Mr. P. Parmeswaran,Adv.

Mr. B.B. Singh,Adv.

Mr. Kumar Rajesh Singh, Adv.

Mr. Ashwani Kumar Dhatwalia, Adv.

Mr. P.S. Mishra, Sr. Adv.

Mr. Saket Singh, Adv.

Ms. Niranjana Singh,Adv.

Mr. Tathagat H. Vardhan, Adv.

Mr. Upendra Mishra, Adv.

Mr. Amitesh C. Mishra, Adv.

Mr. Dhruv Kr. Jha, Adv.

Mr. Uday U.Lalit, Sr. Adv.

Ms. Meha Kiran, Adv.

Mr. Amit Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Pursuant to the Order passed by this Court on 02.12.2004, the Investigating Agency (CBI) has filed a detailed report with regard to the incident that took place in Berur Jail where the first respondent is kept as an undertrial prisoner. The report shows certain serious violation of the provisions of the Jail Manual and the misconduct of the first respondent during the visit of the Inspector General (Prisons). The Inspector General (Prisons) who was also asked to file an affidavit has filed the affidavit. After considering these affidavits and the material on record, we will have to now consider the necessity of shifting the first respondent fro

m Berur Jail to some other jail where this type of activities of the first respondent cannot be carried on. Therefore, we direct the CBI to propose a suitable place where the first respondent may be sent as a prisoner during the pendency of the trial. They will also take into consideration apart from the fact of security of the first respondent, the inconvenience or otherwise in shifting the first respondent during the period of trial including the possibility of video conference during the trial.

We take notice of the fact that a Division Bench of the High Court of Patna has entertained some proceedings in regard to the incident which is being monitored by this Court and we think it appropriate that this monitoring should be done by one court and since we have already initiated proceedings, we think it appropriate that the proceedings which is initiated by the Patna High Court be transferred to this Court. We direct the Registrar General of the Patna High Court to transmit the entire record pertaining to the said proceedings to this Court. The notice issued by the Patna High Court to various authorities including the Cell phone companies will be treated as notices issued by this Court and the response to these notices be filed in this Court within two weeks from today. The petitioner and other parties in those proceedings shall be intimated about the transfer of those proceedings to this Court. The first respondent is permitted to file his reply to the affidavit filed by the CBI and the Inspector General (Prisons) and the IA filed by the petitioner herein for the proposed transfer.

List these matters on 4th of January, 2005.

(Satish K. Yadav) (Prem Prakash)
Court Master Court Master