

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

Petition(s) for Special Leave to Appeal (Crl) No(s).4692/2011

(From the judgement and order dated 08/04/2011 in CRLA No.1887/2000,CRLA No.675/2001 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

SANJEEV KUMAR GUPTA

Petitioner(s)

VERSUS

STATE OF U.P.(NOW UTTARAKHAND)

Respondent(s)

(With appln(s) for exemption from filing O.T.,directions,bail,c/delay in filing reply and office report)

WITH SLP(Crl) NO. 4789 of 2011

(With appln. for bail and office report)

SLP(Crl) NO. 4823 of 2011

(With appln. for bail and office report)

SLP(Crl) NO. 4843 of 2011

(With appln. for bail and office report)

SLP(Crl) NO. 5286 of 2011

(With appln. for bail and office report)

SLP(Crl) NO. 5300 of 2011

(With appln. for bail and office report)

SLP(Crl) NO. 5365 of 2011

(With appln. for bail and office report)

Date: 13/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Y. Prabhakara Rao,Adv.

Mr. R.L. Khurana, Sr. Adv.

Mr. M.C. Dhingra, Adv.

Mr. Piyush Kant Roy, Adv.

Mr. Altaf Ahmed, Sr. Adv.

Mr. U.U. Lalit, Sr.Adv.

Mr. Ranjit Kumar, Sr. Adv.

Mr. Rahul Malhotra, Adv.

Mr. Chanchal Kumar Ganguli, Adv.

For Respondent(s)

Mr. Jatinder Kumar Bhatia,Adv.

Mr. Ajai Kumar Bhatia, Adv.

Mr. Abhishek Atrey, Adv.

Mr. R. Sharath, Adv.

Mr. Brajesh Panchal, Adv.

For Intervener(s)

Mr. J.K. Sethi, Adv.

Mr. Umesh Arora, Adv.

Ms. Indra Sawhney, Adv.

UPON hearing counsel the Court made the following

O R D E R

In response to our order dated April 30, 2012, the Director General of Police, Uttarakhand, Dehradun, has sent an interim report dated June 30, 2012.

In the report it is stated that the investigations into the FIR instituted by Shri Umesh Arora, Advocate, are still going on. The Investigating Officer has collected from Shri Arora two mobile phones, two sim cards and one memory card. Shri Arora has also given a compact disc, containing the conversation between him and the first Investigating Officer S.I. Deepak Singh Rawat.

The mobile phone of Ripudaman Singh from which the offending messages were allegedly sent to the mobile phones of Shri Umesh Arora was also taken along with the mobile phone sim. All the three phones, sim cards and the memory card have been sent to FSL of CBI, New Delhi, for examination and a report from FSL is awaited. It may be noted here that another phone from which the offending messages came to the phones of Shri Arora and that belonged to Gajendra Singh, is reported by him to have been lost. The loss of the phone, at this stage of the investigation, appears rather suspicious and lends credence to the allegation made by Shri Arora against Gajendra Singh.

We may also note that though the investigation is incomplete, there are indications in the interim report of the DGP that the allegations made by Mr. Arora are not entirely without substance. It is also stated in the interim report that prima facie Sub-Inspector Deepak Singh Rawat who was earlier investigating into the FIR lodged by Shri Arora was pressurizing him to drop or withdraw his complaint.

If the allegations of Mr. Arora are true, then it is a case where the other side has been trying to interfere with the proceedings in cases pending before this Court. This matter, therefore, needs to be viewed with great seriousness and we wish the investigation to be completed without any further delay.

We direct the FSL of CBI, New Delhi, to complete the investigation of the three mobile phones, the sim cards and the memory card sent to it by the Superintendent of Police, Dehradun, in connection with Case Crime No.45/12 without any delay and, in any case, not later than three weeks from today. The forensic report should be sent to the Superintendent of Police, Dehradun within three weeks from the date of receipt/production of a copy of this order before the FSL of CBI, New Delhi. The Superintendent of Police, Dehradun, shall complete the investigation of the case, taking into account the report received from FSL of CBI, New Delhi, within three weeks from the date of receipt and submit his report to the DGP, who, after vetting it, will submit a final report to this Court. The final report from the DGP, Uttarakhand, should reach this Court within eight weeks from today.

Put up immediately on receipt of the final report.

The Registry is directed to put back the report dated June 30, 2012 received from the Director General of Police, Uttarakhand, in a sealed cover.

|(Neetu Khajuria)
|Sr.P.A.

|(Sneh Bala Mehra)
|Master

Court |
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