

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 1714-1715 OF 2007

STATE OF U.P. ... Appellant(s)

VERSUS

KARAN SINGH & ORS. ... Respondent(s)

REVISED OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 17.09.2015, when the Court was pleased to pass the following order:

"Mr. Sidharth Luthra, learned amicus curiae has submitted a written note indicating that the following issues arise for consideration of the Court in the present appeals:

- (i) Reasons why politics is increasingly criminalized.
- (ii) Examination of methods by which criminals begin to dictate their wishes to politicians.
- (iii) How entry of criminal elements into politics can be checked.
- (iv) What measures are needed for expediting investigations and trials of persons having criminal antecedents as also political influence.
- (v) How can investigative procedure be made more scientific, transparent and objective.
- (vi) What measures are needed for implementing directions of Apex Court in Prakash Singh.
- (vii) Review of existing government orders for granting of security.
- (viii) Laying down transparent criterion for grant of sanctions for prosecution
- (ix) Examine cases of withdrawal of prosecution of persons with political background and lay down criteria for withdrawal of prosecution.

Shri Luthra has further submitted and we are satisfied that some of the aforementioned issues have already been dealt with by this Court or are pending consideration before other benches of the Court. Having regard to what has been placed before us, we deem it appropriate not to take up for consideration such of

the issues which have already been considered or are being considered by coordinate benches and confine our consideration to the following matters:

(ii) Examination of methods by which criminals begin to dictate their wishes to politicians.

(iii) How can entry of criminal elements into politics be checked.

(iv) What measures are need for expediting investigations and trials of persons having criminal antecedents as also political influence -

Under this head specifically what requires to be considered is the adoption of uniform, scientific investigative procedures; setting up in-house monitoring of investigations;, up-gradation of forensic laboratories and issuance of effective directions to effectively tone up the judicial machinery while dealing with investigation of cases, as envisaged in the Code of Criminal Procedure. Of particular importance and significance would be the issue of the independence of the prosecution machinery by making it an independent body free from control of the executive.

(viii) Laying down transparent criterion for grant of sanctions of prosecution :

Under this issue the necessity of laying effective guidelines of fixing a time limit for grant of sanction for prosecution will also be considered.

(ix) Examine cases of withdrawal of prosecution of persons with political background and lay down criteria for withdrawal of prosecution.

As the issues indicated above would effect the States in the Union, we issue notice to all the States returnable in eight weeks. We also issue notice to the Union of India.

Notice on the States and Union of India be additionally served through standing counsels and the central agency.

List after two months.

The learned amicus curiae is requested to continue to render his assistance and place before us all suggestions on the issues identified for consideration."

Accordingly Show Cause Notice was issued to all the States and Union of India returnable on 01.12.2015 directly as well as through their standing counsels on 10.10.2015/07.10.2015.

Mr. Dinesh Kumar Garg, Mr. Samir Ali Khan, Ms. Pragati Neekhra, Ms. Hemantika Wahi and Mr. Abhish Kumar, Advocates have filed Vakalatnama/Appearance on behalf of State of Uttarakhand, Bihar, Himachal Pradesh, Gujrat and Uttar Pradesh respectively.

No one has entered appearance on behalf of rest of the States, so far.

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

DATED this the 30th day of November, 2015.

ASSISTANT REGISTRAR

COPY TO:

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