

ITEM NO.102

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1714-1715/2007

STATE OF U.P.

Appellant(s)

VERSUS

KARAN SINGH &amp; ORS.

Respondent(s)

Date : 17/09/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s) Mr. R.K. Dash, Sr. Adv.  
Mr. Rajesh Kumar Maurya, Adv.  
Mr. Gaurav Dhingra, Adv.

For Respondent(s) Mr. Sidharth Luthra, Sr. Adv. (AC)  
Mr. Anoopam Prasad, Adv.  
Ms. Vasundhara Nagrath, Adv.  
Ms. Arundati Katju, Adv.

Ms. Vimla Sinha (A.C.), Adv.

UPON hearing the counsel the Court made the following  
O R D E R

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.

(MADHU BALA)  
COURT MASTER

(SUMAN JAIN)  
COURT MASTER