

ITEM NO.102

COURT NO.8

SECTION II

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

I N D I A

Criminal Appeal

No(s). 1714-1715/2007

STATE OF U.P.

Appellant(s)

VERSUS

KARAN SINGH & 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.

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Madhu Bala
Date: 2015.09.21
15:58:19 IST
Reason:

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

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(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

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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.

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(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