

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRIMINAL) NO(S).17 OF 2024

ANUBHAV MITTAL & ORS.

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

O R D E R

The petitioners who are languishing in Jail in Lucknow, Uttar Pradesh are seeking the following reliefs by means of the present writ petition before this Court:-

"A. Issue the writ of mandamus in the form of Order/direction directing the concerned District Courts of the Respondent States to conduct the trial through Video Conferencing Mode for all the judicial proceedings as mentioned in Annexure P-6 in which charge-sheet has already been filed and Petitioners are running in Judicial Custody; and/or

B. Issue the writ of mandamus in the form of Order/Direction directing the concerned District Courts of the Respondent States to permit the production of the Petitioners from Lucknow District Jail through video-conferencing mode in all the known FIRs as mentioned in Annexure P-7 and all unknown FIRs in which investigation is still pending, for the purpose of Judicial Custody and other Judicial Proceedings to ensure the expeditious investigation & consequent trial; and/or

C. Issue the writ of mandamus in the form of direction directing the Respondent States to instruct the concerned Investigating Officer to

record the statements and Interrogate the Petitioners either through video conferencing mode or by visiting Lucknow jail in the known FIRs as mentioned in Annexure P-7 and unknown FIRs in which investigation is still pending; and/or

D. Pass such other orders as this Hon'ble Court may deem fit and proper in the interest of justice."

Learned Senior counsel appearing for the petitioners submitted that the majority of the cases are within the jurisdiction of the State of U.P., and therefore in the interest of everybody, the prayer as sought for, may be granted.

The learned counsel appearing for some of the respondents, namely, State of U.P., State of NCT of Delhi and State of Uttarakhand, do not have any serious objection to the prayer being granted as it will not only facilitate the prosecution and the petitioners, but also the concerned Court. Some of the other States, despite being arrayed as respondents and notice having been served, they have chosen not to appear before the Court.

We have also taken note of the following provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, which facilitate video-conferencing:-

1. Sections 251(2) - charges framed can be read and explained to the accused through audio-video electronic means.
2. Section 254 - evidence of a witness of prosecution may be recorded by audio-video electronic means.
3. Section 265 - examination of witness may be done by audio-video electronic means.

4. Proviso to Section 266(2) - evidence for defence can be done by audio-video electronic means.

Accordingly, the Writ Petition stands allowed by directing the officials of the State of U.P. to facilitate the further proceedings without the physical presence of the petitioners for the purpose of completion of the ongoing trial and the investigation of the cases pending in the other States as well, unless the same is required necessarily, by passing a reasoned order.

Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[RAJESH BINDAL]

NEW DELHI;
16th MAY, 2025

ITEM NO.46

COURT NO.7

SECTION X

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

Writ Petition(s)(Criminal) No(s). 17/2024

ANUBHAV MITTAL & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 5918/2024 - EXEMPTION FROM FILING O.T.

IA No. 5917/2024 - GRANT OF INTERIM RELIEF

Date : 16-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Siddharth Aggarwal, Sr. Adv.
 Mr. Tushar Agarwal, Adv.
 Mr. Arun Kumar, Adv.
 Mr. Amarjeet Singh, AOR
 Ms. Tripti Roy, Adv.
 Ms. Vismita Diwan, Adv.

For Respondent(s) Mr. Lokesh Sinhal, Sr. A.A.G.
 Mr. Samar Vijay Singh, AOR
 Mr. Nikunj Gupta, Adv.
 Ms. Aakanksha, Adv.
 Ms. Sabarni Som, Adv.
 Mr. Fateh Singh, Adv.
 Mr. Aman Dev Sharma, Adv.
 Ms. Ishika Gupta, Adv.
 Mr. Vaibhav Saini, Adv.
 Mr. Sarthak Arya, Adv.

Ms. Suveni Bhagat, AOR

Ms. Devina Sehgal, AOR
 Mr. Yatharth Kansal, Adv.

Mr. Shiv Mangal Sharma, A.A.G.
 Ms. Nidhi Jaswal, Adv.
 Mr. Sandeep Kumar Jha, AOR

Ms. Sunita Sharma, Adv.
 Mr. M.K. Maroria, AOR

UPON hearing the counsel the Court made the following

O R D E R

The Writ Petition stands allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)