

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Writ Petition(Criminal) No.177/2020

GHANSHYAM UPADHYAY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

WITH

W.P.(Cr1.) No. 185/2020, W.P.(Cr1.) No. 178/2020 & W.P.(Cr1.)
No. 180/2020

O R D E R

1. Exemption applications are allowed.
2. Applications seeking permission to appear and argue in person are allowed.
3. Pursuant to the order dated 22-7-2020, this Court had constituted a Commission to inquire into the incidents mentioned in the present writ petitions. The Commission was to comprise of the following persons:

(1) Hon'ble Dr. Justice B.S. Chauhan, Former Judge of this Court – Chairman;

(2) Hon'ble Mr. Justice Shashi Kant Agarwal, Former Judge, Allahabad High Court – Member;

(3) Mr. K.L. Gupta, IPS, Former Director General of Police – Member.

4. The said Commission was directed to submit a report to this Court and the State Government in accordance with the Commission of Inquiry Act, 1952, within a period of two months from the date on which the Commission would start functioning.

5. This Court while dealing with the Criminal Miscellaneous Petition No.70798/2020 in Writ Petition (Crl.) No.177 of 2020 passed a detailed order dated 19-8-2020 whereby it had accepted the constitution of the Enquiry Commission. The petitioners were also granted the liberty of applying to the Enquiry Commission to be heard in the matter.

6. Now the Enquiry Commission has submitted its report in a sealed cover which has been opened in our presence today.

7. We are informed by learned Solicitor General appearing for the State of U.P. that the said Report was tabled in the House for taking further necessary action in the matter. It is further informed that the enquiry was held in public domain and the petitioner was granted the liberty of participating therein. The report of the Enquiry Commission is ordered to be placed in the petitions which were filed before this Court.

8. In view of the above, no further orders are required to be passed in these Writ Petitions.

9. If the petitioners are still aggrieved, it is for them to pursue the legal remedies available to them under law.

10 The State Government is directed to take appropriate action on the recommendations submitted by the Enquiry Commission.

11 The Registry is directed to place a copy of the said Report in public domain by uploading the same on the official website of the Supreme Court of India immediately.

12 With the above observations, the writ petitions and all pending applications including the intervention applications filed in the said petitions stand closed.

13 Mr. Sanjay Parikh, learned Senior counsel seeks listing of Writ Petition (Crl.) No.118 of 2018. The Registry is directed to list the said matter after one week.

.....CJI
(N.V. RAMANA)

.....J
(KRISHNA MURARI)

.....J
(HIMA KOHLI)

NEW DELHI;
22ND JULY, 2022.

ITEM NO.29

COURT NO.1

SECTION PIL-W

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

Writ Petition(Criminal) No.177/2020

GHANSHYAM UPADHYAY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 62767/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No.61791/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 65177/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 64747/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 65175/2020 - INTERVENTION APPLICATION, IA No. 64745/2020 - INTERVENTION APPLICATION, IA No. 61792/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 64746/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON & IA No. 62766/2020 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH

W.P.(Cr1.) No. 185/2020 (PIL-W)

(FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 63939/2020)

W.P.(Cr1.) No. 178/2020 (PIL-W)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 62154/2020, FOR EXEMPTION FROM FILING O.T. ON IA 62155/2020 & FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 62156/2020)

W.P.(Cr1.) No. 180/2020 (PIL-W)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 62496/2020, FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 62498/2020, FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 64423/2020, FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 64424/2020, FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 64426/2020, FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100579/2020, FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 100582/2020, FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 100586/2020, IA No. 64423/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 100579/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 62498/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 100586/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 64426/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 64424/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 62496/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON & IA No. 100582/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 22-07-2022 These matters were called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KRISHNA MURARI
HON'BLE MS. JUSTICE HIMA KOHLI**

For Petitioner(s)

Mr. Shyamal Kumar, AOR

**Mr. Vaibhav Singh
Petitioner-in-person**

For Respondent(s)

**Mr. Tushar Mehta, SG
Mr. K.N. Nataraj, ASG
Mr. Harish N. Salve, Sr. Adv.
Ms. Garima Prashad, AAG, UP
Mr. Sharan Dev Singh Thakur, AAG
Ms. Ruchira Goel, AOR
Mr. Rajat Nair, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Prashant Singh, Adv.
Mr. A. Shah, Adv.**

**Mr. Nishit Agrawal, AOR
Ms. Kaniksha Mittal, Adv.**

**Mr. Sanjay Parikh, Sr. Adv.
Ms. Aparna Bhat, AOR
Ms. Karishma Maria, Adv.**

Appellant-in-person

**Ms. Mirdula Mishra, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Shweta Sand, Adv.
Ms. Niharika Dewivedi, Adv.
Mr. Naresh Kumar, Adv.**

Mr. Anoop Prakash, Adv.

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

- 1. Exemption applications are allowed.**
- 2. Applications seeking permission to appear and argue in person are allowed.**

3. The writ petitions and all pending applications including the intervention applications filed in the said petitions stand closed, in terms of the signed order.

4. The Registry is directed to place a copy of the Report in public domain by uploading the same on the official website of the Supreme Court of India immediately.

5. Mr. Sanjay Parikh, learned Senior counsel seeks listing of Writ Petition (Crl.) No.118 of 2018. The Registry is directed to list the said matter after one week.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed Order is placed on the file)