

ITEM NO.49

COURT NO.13

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8222-8224/2019

(Arising out of impugned interim orders dated 18-04-2019 in MB No. 10775/2019, 24-05-2019 MB No. 10775/2019 and final judgment and order dated 24-05-2019 in CRLMA No. 58691/2019 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

SANTOSH KUMAR SINGH

Petitioner(s)

VERSUS

MOHAMMAD MASOOD RAZA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.132705/2019-CONDONATION OF DELAY IN FILING and IA No.132707/2019-EXEMPTION FROM FILING O.T.)

Date : 20-09-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. R. Basant, Sr. Adv.
Mr. Saksham Maheshwari, Adv.
Mr. Jagjit Singh Chhabra, AOR

For Respondent(s)

Ms. Indira Jaising, Sr. Adv.
Mr. Mohd. Irshad Hanif, AOR
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Paras Nath Singh, Adv.
Mr. Shakeel Ahmad, Adv.
Mr. Syed Faizan Ali, Adv.
Mr. Aarif Ali Khan, Adv.
Mr. Jatin Anand Diwedi, Adv.
Ms. Fauzia Rahman, Adv.
Mr. Badrul Qamar, Adv.
Mr. Shivam Yadav, Adv.

Mr. Parmanand Pandey, AOR

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

In the nature of the order that we propose to pass, it is not considered necessary to record the facts except to the extent necessary for purposes of the present order so as not to prejudice either party.

The Principal Secretary (Home), U.P. has already taken a decision on the Inquiry Report as directed by the High Court. The F.I.R. has not been lodged yet.

Suffice it to state that we are not inclined to interfere with the directions of the High Court with regard to inquiry and also the inquiry report subsequently submitted to the extent that it directs departmental proceedings against the petitioner.

Needless to state that the inquiry report having been submitted after grant of due opportunity to the petitioner also, he shall have full opportunity for his defence in the course of the departmental proceedings, if any.

The present order is confined to the issue with regard to the recommendation for institution of an F.I.R. against the petitioner pursuant to the directions of the High Court for an inquiry.

Since the order was passed ex-parte despite the fact that the petitioner was impleaded as respondent No. 4 and the recall petition filed by the petitioner has also been rejected, we dispose the Special Leave Petitions with the observation granting liberty to the petitioner to approach the High Court for any clarification/modification of the order only insofar as the aspect of an F.I.R. is concerned.

Needless to state that nothing in the present order should be construed as expression of any opinion by us and it is for the High Court to take decision in the matter to its satisfaction.

The Special Leave Petitions stand disposed.

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

(MANISH SETHI)
COURT MASTER (SH)

(BEENA JOLLY)
BRANCH OFFICER