

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s). 2117 OF 2017
(Arising out of SLP(C) No. 9600 of 2017)

THE STATE OF UTTAR PRADESH & ORS.

Appellant(s)

VERSUS

WASIM FATIMA

Respondent(s)

O R D E R

Leave granted.

State of Uttar Pradesh has come up in the appeal before us, being aggrieved by the directions issued by the High Court of Judicature at Allahabad that Inspector General of Police (I.G. Police) (Law and Order), State of U.P., Lucknow, to hold the camp sitting at Allahabad for three days (between 10 A.M. to 4 P.M.) and to hold a camp sitting at Police station Dhoomanganj on 7.12.2017; and to hold the camp sitting at police station Khuldabad on 8.12.2017. The Senior Superintendent of Police (SSP), Allahabad has been directed to be present on the aforesaid police stations alongwith I.G. Police (Law and Order) State of U.P., Lucknow on the aforesaid dates.

The High Court has noted the law and order situation while issuing the said directions. Certain general observations have been made with respect to various FIRs pending investigation and missing of the children especially young girls, who have been forced into sex racket.

Direction No.2 has also been issued that the I.G. Police (Law and Order), State of U.P., Lucknow will be accessible to the general members of the public residing in both the aforesaid police stations on the certain dates mentioned aforesaid. Other directions have been issued of the publication of notice with respect to the sitting of the I.G. Police (Law and Order), State of U.P., Lucknow, on the aforesaid police stations on the certain dates. Other ancillary directions have been issued in paras 2,3,4 & 5 to the I.G. Police (Law and Order), State of U.P., Lucknow.

After going through the order of the High Court, we are of the opinion that such general directions ought not to have been issued by the High Court i.e. for sitting of the I.G. Police (Law and Order), State of U.P., Lucknow at particular police stations to hold camp sitting on particular dates; and other ancillary directions in that regard. It is not the courts' function to issue such directions.

It was assured to us by the learned counsel appearing on behalf of the State of U.P. that the I.G. Police (Law and Order), State of U.P., Lucknow, being the only authority in the State and function being Supervisor one, shall ensure that needful is done by the other concerned officers with respect to the observations made by the High Court regarding investigation in the various cases as well as missing of children and particularly in case in question also in which the order has been passed by the High Court.

It was also assured to us that the I.G. (Range), Allahabad or/and SSP, Allahabad shall hold the sitting instead of the I.G. Police (Law and Order), State of U.P., Lucknow as ordered by the High Court.

It is not necessary to issue the notice to respondent and keep the matter pending as direction does not pertain to the case of the respondent; it is only a grievance against general directions that have been issued by the High Court. We modify the order passed by the High Court and set aside the directions issued to the the I.G. Police (Law and Order), State of U.P., Lucknow to hold particular camp sittings and other ancillary directions issued and instead as assured the I.G. (Range), Allahabad or/and SSP, Allahabad shall conduct the sittings on the dates mentioned above.

Accordingly, with the aforesaid modification, the appeal stands disposed of.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGUDAR)

NEW DELHI;
DECEMBER 07, 2017

ITEM NO.15

COURT NO.10

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). 9600/2017

(Arising out of impugned final judgment and order dated 20-11-2017 in CRLMW No. 24693/2017 passed by the High Court Of Judicature At Allahabad)

THE STATE OF UTTAR PRADESH & ORS.

Petitioner(s)

VERSUS

WASIM FATIMA

Respondent(s)

(IA No.132138/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.132140/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.132142/2017-EXEMPTION FROM FILING O.T.

Date : 07-12-2017 This petition was called on for Mentioning today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Ms. Aishwarya Bhati, AAG, UP
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ardhendumauli Kumar Prasad, AOR

For Respondent(s)

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

Leave granted.

Appeal is disposed of in terms of the signed order.

(NEELAM GULATI)
COURT MASTER (SH)

(JAGDISH CHANDER)
BRANCH OFFICER
(signed order is placed on the file)