

ITEM NO.32

COURT NO.16

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)(Civil) No(s). 923/2014

ALL INDIA PROSECUTORS ASSOCIATION & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA THROUGH CABINET SECRETARY & ORS.

Respondent(s)

(FOR ON IA 2/2016

IA No. 165581/2019 - INTERVENTION APPLICATION)

WITH

W.P.(C) No. 1363/2019 (X)

Date : 10-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

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For Respondent(s)

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Mr. Akhileshwar Jha, Adv.
Ms. Sakshi Khanna, Adv.

UPON hearing the counsel the Court made the following

O R D E R

After hearing the parties following questions are heard for adjudication in this case :-

1. Whether the word 'may' in sub-section 1 of Section 25A of the Criminal Procedure Code, 1973 should be read as 'shall' and if so, is it mandatory for each State to establish a directorate of prosecution in terms of Section 25A?
2. Whether Section 24(6) of the Criminal Procedure Code, 1973 envisages that there should be a regular cadre of Public Prosecutors/Additional Public Prosecutors/Assistant Public Prosecutors? If so what should be the mode of recruitment for such officers?
3. If question No. 2 is answered in the negative, whether there is a need to have, as far as possible, a uniform system for appointment of Public Prosecutors/Additional Public Prosecutors/Assistant Public Prosecutors all over the country?
4. Whether the posts of Public Prosecutors/Additional Public Prosecutors/Assistant Public Prosecutors should be completely independent and not be answerable to the Police in their functioning?
5. Whether the amendments by the States to Section 24(6) and Section 25(2) of the Criminal Procedure Code, 1973 are ultra vires of the Criminal Procedure Code, 1973 and the Constitution of India?
6. What are the minimum facilities that need to be provided to Public Prosecutors/Additional Public Prosecutors/Assistant Public Prosecutors to enable them to perform their duties effectively?

We shall hear the case issue-wise.

List the first two issues on 26th February, 2020.

**(SONIA BHASIN)
SENIOR PERSONAL ASSISTANT**

**(PRADEEP KUMAR)
BRANCH OFFICER**