

IN THE SUPREME COURT OF INDIA

Writ Petition (Civil) No. 699 of 2016

Ashwani Kumar Upadhyaya vs. Union of India and others

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Filed By:

NEW DELHI
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ADVOCATE FOR THE AMICUS

IN THE SUPREME COURT OF INDIA

Writ Petition (Civil) No. 699 of 2016

Ashwani Kumar Upadhyaya vs. Union of India and others

REPORT BY VIJAY HANSARIA, SENIOR ADVOCATE, AMICUS CURIAE

(FOURTEENTH REPORT DATED 24.08.2021)

1. That this Hon'ble Court vide order dated 10.08.2021 passed the following two sets of directions:
 - a. Union of India to file a status report with respect to initiation, current stage of investigation pending against sitting/former legislator (MPs and MLAs) before the CBI, Enforcement Directorate and other central agencies, pendency/grant of sanctions for prosecution, the expected time for completion of the investigation and reasons for delay in the same.
 - b. All the High Courts to furnish information as regards the judicial officers presiding over Special Courts and the number of cases decided and/or pending before them in a prescribed format.

I. STATUS REPORT BY UNION OF INDIA

A. Enforcement Directorate

2. That the Union of India has served a status report on the Amicus on 09.08.2021 as regards the cases pending against sitting/former legislators in the Courts and under investigation by the Enforcement Directorate. The information is based on the letter of the Directorate dated 02.12.2020. However, the said report is not in the format prescribed by this Hon'ble Court in the order dated 05.03.2020.

ED cases against MPs

3. The said report shows that a total number of 51 Members of Parliament (MP/ex MPs) are accused in cases arising out of offences under Prevention of Money Laundering Act, 2002. However, the report does not show as to how many MPs/MLAs are sitting and/or former legislators. Analysis of the said report shows as hereunder:

	Particulars	Total
a.	Cases pending investigation (cases mentioned at serial nos. 4, 8, 10, 16, 17, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 37, 38, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51)	28
b.	Cases at the stage of cognizance (cases mentioned at serial nos. 2 and 6)	2
c.	Cases at the stage of framing charge (cases mentioned at serial nos. 7, 20, 21, 22, 33, 34, 35, 36, 39, 44)	10
d.	Cases pending trial (cases mentioned at serial nos. 9, 11, 14, 40)	4
e.	Cases under stay by High Court (cases mentioned at serial nos. 12 and 13)	2
f.	Cases under stay by Supreme Court (case mentioned at serial no. 15)	1
g.	Cases pending appeal/ revision against acquittal/discharge (cases mentioned at serial nos. 1, 3, 5)	3
h.	Cases where the accused has expired	1

	(case mentioned at serial no. 18)	
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4. Some of the glaring cases of inordinate delay may be noticed as hereunder:

- a. *Serial no. 2* : The first case was registered in 2012 and second in the year 2017 and the prosecution complaint was filed on 13.06.2018/ 25.10.2018. However, the Special Court, Delhi is yet to take cognizance of the prosecution complaints.
- b. *Serial no. 7* : Two prosecution complaints were filed in 2015 and assets amounting to Rs. 178 crores have been attached and confirmed. However, the status of the prosecution/trial has not been mentioned.
- c. *Serial no. 13* : Relates to the year 2014, in which a prosecution complaint has been filed on 10.01.2019 for causing loss to Government exchequer to the tune of Rs. 212 crores. The prosecution has been stayed by the Madras High Court.
- d. *Serial no. 14* : Relates to the year 2011 in which a prosecution complaint has been filed for causing wrongful loss to the tune of Rs. 95 crores. Prosecution complaint has been filed. However, the status of the prosecution/trial has not been mentioned.
- e. *Serial no. 15* : Relates to the year 2017 in which prosecution complaint has been filed in 2019; however, there is a stay on framing of charge by the Supreme Court.
- f. *Serial no. 17 to 19* : Relates to the year 2015 and investigation is going on.
- g. *Serial no. 20 to 22* : Relates to the year 2013 and prosecution complaints have been filed. However, the status of the prosecution/trial has not been mentioned.

- h. *Serial no. 23 to 26* : Relates to the year 2013 and are pending investigation.
- i. *Serial no. 33 to 36* : Relates to the year 2011 in which prosecution complaints have been filed. However, the status of the prosecution/trial has not been mentioned.
- j. *Serial no. 42* : Relates to the year 2013 and is pending investigation.
- k. *Serial no. 43* : Relates to the year 2014 and 2015 and is pending investigation.

ED cases against MLAs

5. The said report shows that a total number of 71 Members of Legislative Assemblies and Legislative Councils of different States (MLAs/MLCs) are accused in cases arising out of offences under Prevention of Money Laundering Act, 2002. However, the report does not show as to how many MLAs/MLCs are sitting and/or former legislators. Analysis of the said report shows as hereunder:

	Particulars	Total
a.	Cases pending investigation (cases mentioned at serial nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 41, 42, 43, 48, 49, 50, 51, 52, 58, 59, 60, 62, 63, 64, 65, 68, 69, 70, 71)	48
b.	Cases at the stage of framing charge (cases mentioned at serial nos. 12, 13, 14, 38, 39, 40, 44, 45, 46, 47, 53, 54, 55, 56, 61)	15
c.	Cases pending trial (cases mentioned at serial nos. 57, 66, 67)	3

d.	Cases under stay by High Court and Supreme Court (cases mentioned at serial nos. 25 and 26)	2
e.	Cases under stay by Supreme Court (cases mentioned at serial nos. 33)	1
f.	Others (cases mentioned at serial nos. 6 and 11)	2

6. Some of the glaring cases of inordinate delay may be noticed as hereunder:

- a. *Serial no. 1* : Relates to the year 2015 and is pending investigation.
- b. *Serial no. 2* : There are 4 different cases of the year 2016 against the same accused, out of which in 2 cases prosecution complaints have been filed and proceedings are going on, 1 case is under investigation and in the 4th case charge sheet is yet to be filed.
- c. *Serial no. 13 and 14* : Relates to the year 2015 wherein two prosecution complaints have been filed and assets amounting to Rs. 178 crores have been attached and confirmed. However, the status of the prosecution/trial has not been mentioned.
- d. *Serial no. 16* : Relates to the year 2012 wherein prosecution complaint was filed in 2018; further investigation is continuing.
- e. *Serial no. 23 and 24* : Relates to the year 2013 which are under investigation.
- f. *Serial no. 25 and 26* : Relates to the offence of 2013 where the proceeds of the crime were generated through drug trade; proceedings have been stayed by the High Court and the Supreme Court.

- g. *Serial no. 32* : Relates to the year 2014 and the investigation is under progress.
- h. *Serial no. 33* : Relates to the year 2017 proceeds of the crime valuing Rs. 44.75 crores has been attached. Framing of charge has been stayed by the Supreme Court.
- i. *Serial no. 34 to 37* : Relates to the year 2017 and the investigation is under progress.
- j. *Serial no. 44 to 47* : Relates to the year 2011 in which 13 provisional attachment orders were issued for an aggregate amount of Rs. 2790 crores and 10 prosecution complaints have been filed. However, the status of the prosecution/trial has not been mentioned.
- k. *Serial no. 54* : Relates to the year 2014 where the case is at the stage of framing of charge.
- l. *Serial no. 57* : Relates to the year 2015 in which prosecution complaint has been filed and the proceedings are at the stage of furnishing of documents under section 207 Cr.P.C.
- m. *Serial no. 59 and 60* : Relates to the year 2012 and the investigation is under progress.
- n. *Serial No. 67* : Relates to the year 2012 in which prosecution complaint has been filed in 2013 and the trial is pending.

B. CENTRAL BUREAU OF INVESTIGATION (CBI)

- 7. That on 23.08.2021, the CBI has furnished a status report dated 19.08.2021 to the Amicus mentioning the details of the cases pending trial before different CBI Courts and those under investigation as hereunder:

	Particulars	Total
a.	Total number of cases pending against MPs/MLAs	121
b.	Total number of MPs involved Sitting MPs = 14, Former MPs = 37, Former MPs Expired = 5	51
c.	Total number of MLAs involved Sitting MLAs = 34, Former MLAs = 78, Former MLAs Expired = 9	112
d.	The oldest pending case is RC 9(A)/97-R, CBI, SCB, Patna, which was charge-sheeted on 12.06.2000.	
e.	The latest pending case is RC 17(S)/2019, CBI, ACB, Bangalore, which was charge-sheeted on 20.05.2021.	

8. It may be noted that out of 151 cases pending trial before the Special Courts, CBI, as many as 58 cases are punishable with life imprisonment. In 45 cases, even the charges have not been framed, though the offences alleged to have been committed several years back.

9. Some of the glaring cases of inordinate delay pending trial before CBI Courts in different parts of the country may be noticed as hereunder:

a. Serial no. 1 : Relates to the year 2010 for an offence punishable with life imprisonment in which charge sheet was filed in 2011 and charges were

framed in 2012. The case is pending at the stage of prosecution evidence before the Special Court, Delhi.

- b. *Serial no. 3* : Relates to the year 2009 for an offence punishable with death penalty in which charge sheet was filed in 2010 and charges were framed in 2012. The case is pending at the stage of prosecution evidence in the Court of Special Judge, Bhopal.
- c. *Serial no. 4* : Relates to the year 2007 for an offence punishable with life imprisonment in which charges are yet to be framed and the case is at the stage of cognizance before the Special Judge, CBI, Lucknow.
- d. *Serial no. 6* : Relates to the year 2011 for an offence punishable with imprisonment for seven years in which charges are yet to be framed and the case is pending before the Special Judge, CBI, Lucknow.
- e. *Serial no. 10* : Relates to the year 2013 for an offence punishable with imprisonment for seven years in which charges are yet to be framed. The case is under stay by the Allahabad High Court.
- f. *Serial no. 13* : Relates to the year 2012 for an offence punishable with imprisonment for seven years in which charges have been framed. However, the trial has been stayed by the Punjab and Haryana High Court.
- g. *Serial nos. 14 and 15* : Relate to the year 2018 for an offence punishable with imprisonment for ten years in one of which charge has not been framed. However, the trial has been stayed by the Punjab and Haryana High Court.
- h. *Serial nos. 17 and 18* : Relate to the year 2000 for an offence punishable with imprisonment for life. The case is at the stage of appearance of the accused before the Special Judge, Patna.

- i. *Serial no. 21* : Relates to the year 2003 for an offence punishable with life imprisonment. The case is at the stage of appearance of the accused before the Special Judge, Patna.
- j. *Serial nos. 26 and 27* : Relate to the year 2001 for offences punishable with life imprisonment in which charges were framed in the years 2012 and 2016. The case is at the stage of prosecution evidence before the Special Judge, CBI, Ranchi.
- k. *Serial no. 31* : Relates to the year 2011 for an offence punishable with life imprisonment. The case is at the stage of recording evidence before the Special Judge, CBI, Ranchi.
- l. *Serial no. 38* : Relate to the year 2013 under NDPS Act in which charge has been framed in 2017 and is pending before Special Judge, NDPS FTC, Manipur. The expected time for completion of the trial has been stated to be 2030.
- m. *Serial nos. 42 and 43* : Relate to the year 2005 and 2011 for offences punishable with imprisonment for seven years. Both the cases are at pre-charge stage before the Special Court, Ernakulam.
- n. *Serial nos. 49, 50, 51 and 52* : Relate to the years 2013 to 2015 for offences punishable with life imprisonment. The cases are pending at the stage of prosecution evidence before the Special Court, Bangalore. The expected time for completion of trial has been stated to be 4 years in three cases and 2 years in one case.
- o. *Serial nos. 53* : Relates to the year 2012 for offences punishable with life imprisonment. The case is pending at the stage of prosecution evidence

before the Special Court, Bangalore. The expected time for completion of the trial has been stated to be 4 years.

- p. *Serial nos. 54* : Relates to the year 2014 for offences punishable with life imprisonment. The case is at pre charge stage before the Special Court, Bangalore. The expected time for completion of the trial has been stated to be more than 10 years.
- q. *Serial no. 58* : Relates to the year 2009 for an offence punishable with life imprisonment. The case is pending before Additional Sessions Judge, Mapusa, Goa and charge has not been framed. Proceedings are stayed by the Bombay High Court.
- r. *Serial nos. 62 to 69* : Relate to the years between 2005 to 2017 punishable with imprisonment for five to ten years. The expected time for completion of the trial has been stated to be five years to seven years.
- s. *Serial no. 81* : Relates to the year 2008 for an offence punishable with imprisonment for seven years. The case is pending before CMM, Delhi in which charge is yet to be framed.
- t. *Serial no. 88* : Relates to the year 2005 for an offence punishable with life imprisonment. The case is pending before MACOCA Court, Maharashtra and is under trial.
- u. *Serial no. 101* : Relates to the year 2014 for an offence punishable with life imprisonment. The case is pending before Special CJM, Bhubaneswar in which charge is yet to be framed
- v. *Serial no. 104* : Relates to the year 2013 for an offence punishable with life imprisonment. The case is pending before ACMM, Delhi and the charge is yet to be framed.

- w. *Serial no. 105* : Relates to the year 2013 for an offence punishable with life imprisonment. The case is pending before ACMM, Delhi and the charge is yet to be framed.
- x. *Serial no. 107* : Relates to the year 2015 for an offence punishable with life imprisonment. The case is at the stage of framing of the charge and is pending before the District and Sessions Judge, Latur, Maharashtra. The proceedings are stayed by the Bombay High Court.

CBI Cases pending investigation

10. As per the CBI report dated 19.08.2021, the number of cases pending investigation are hereunder:

	Particulars	Total
a.	Total number of cases pending against MPs/MLAs	37
b.	Total number of MPS involved Sitting MPs = 5, Former MPs = 12, Former MPs Expired = 2	17
c.	Total number of MLAs involved Sitting MLAs = 11, Former MLAs = 6	17
d.	The oldest pending case is RC 9(E)/2013, CBI, EOB, Chennai, which was registered on 24.10.2013 (serial no. 28 of the list.)	
e.	The latest pending case is RC 9(E)/2021, CBI,EO.III, Delhi, which was registered on 17.05.2021.	

Submissions as regards cases investigated by ED and CBI

11. The Courts before whom the trials are pending may be directed to expedite the trial of the all pending cases on day to day basis in terms of section 309 Cr.P.C. All the High Courts may be directed to issue administrative instructions to the effect that the concerned Courts dealing with cases investigated by CBI and Enforcement Directorate shall deal with the cases pending before MPs/MLAs on priority basis and other cases shall be dealt only after the trial in these cases are over. In case, Additional Courts are required, the High Courts and the appropriate Government shall constitute Additional Special Court. The CBI shall ensure that public prosecutors do not seek adjournment and the witnesses are produced before Court on the dates fixed. In case, the accused persons do not cooperate with the trial, the Court may consider cancellation of bail of such accused.
12. The High Courts may be requested to hear the cases where interim orders have been passed within a time frame. The trial courts may be directed to proceed with the trial, notwithstanding the interim order of the High Court in terms of the order of this Hon'ble Court dated 16.09.2020 and 04.11.2020 and the judgement in the case of *Asian Resurfacing of Road Agency Private Limited v. CBI*, (2018) 16 SCC 299.
13. It is submitted that despite the aforesaid orders of this Hon'ble Court, the trial has been withheld due to interim orders of the High Court. The Registrar General of the High Courts may be directed to place all the matters relating to MPs/MLAs to be placed before the Hon'ble Chief Justice of the respective High Courts on the administrative side for issue of proper directions for listing of the cases where interim orders are passed in cases relating to MPs and MLAs.

14. It is further submitted that trial of certain cases has been withheld due to interim orders passed by this Hon'ble Court. The Registrar General of this Hon'ble Court may be directed to place all the matters relating to MPs/MLAs to be placed before the Hon'ble Chief Justice of India on the administrative side for issue of proper directions for listing of the cases where interim orders are passed in cases relating to MPs and MLAs.
15. Cases where investigations are pending before the Enforcement Directorate and CBI, a Monitoring Committee may be constituted comprising of the following:
- (a) Former Judge of this Hon'ble Court or the former Chief Justice of a High Court,
 - (b) Director, Enforcement Directorate (or his nominee not below the rank of Additional Director),
 - (c) Director, CBI (or his nominee not below the rank of Additional Director),
 - (d) Home Secretary to the Government of India (or his nominee not below the rank of Joint Secretary), and
 - (e) a judicial officer not below the rank of District Judge to be nominated by this Hon'ble Court.
16. The said Monitoring Committee will evaluate the reasons for the delay in investigation and would be competent to issue appropriate directions to the concerned Investigating Officer to ensure early completion of the investigation. The Committee may be constituted within a period of two weeks of the order and the said Committee shall furnish its status report regarding each particular case in a sealed cover to this Hon'ble Court within two months of its first sitting.

II. STATUS REPORTS BY HIGH COURTS

A. STATE OF MADHYA PRADESH

17. As per status report dated 17.08.2021, there is one Special Court for MP/MLA at Bhopal and is presided over by Pravendra Kumar Singh who has been posted there on 30.06.2020. During this period, the learned Special Judge has disposed of 97 cases and 324 cases are pending. Video conference facility is available in the said Court and no judgements are pending. Status of the 324 pending cases are as follows:

	Particulars	Total
a.	Arguments on charge (8 Magistrate + 3 Sessions)	11 cases
b.	Prosecution evidence (62 Magistrate + 23 Sessions, large number of them are under Negotiable Instruments Act)	85 cases
c.	Statement of accused	8 cases
d.	Defence evidence	18 cases
e.	Final arguments (10 Magistrate + 1 Sessions + 1 Appeal)	12 cases
f.	Appearance of accused (93 Magistrate + 5 Sessions + 5 Miscellaneous)	103 cases
g.	Arguments on interim application	11 cases

	(6 Magistrate + 5 Sessions)	
h.	Unregistered cases for documents and statements under section 200 Cr.P.C. (most of them are under Negotiable Instrument Act and defamation under section 500 of IPC)	68 cases
i.	Session Trial	4 cases

18. The analysis of the aforesaid figure shows that a large number of cases are concentrated in one Special Court at Bhopal. All these cases arise from different parts of the State and it is almost impossible for the prosecution and defence to be present in the Court from different parts of the State when the case is taken up and is one of the main reasons for the delay.

19. As per the earlier reports filed by the High Court dated 16.10.2020, total number of pending cases were 190 and the High Court proposed to constitute three more Special Courts at Indore, Jabalpur and Gwalior apart from one at Bhopal. However, no Special Courts have been constituted at Indore, Jabalpur and Gwalior in terms of the earlier affidavit. Thus, all the cases against legislators are concentrated in one Court at Bhopal and it is impossible for one judicial officer to decide such a huge number of cases. The total number of cases have increased from 190 to 324 within a span of ten months.

20. It is also important to note that out of 324 pending cases, as many as 103 cases are pending for the appearance of the accused. This also shows laxity on the part of the prosecution to ensure attendance of the accused persons before the Court.

Submission

21. The High Court may be directed to constitute Special Courts for MP/MLA at Indore, Jabalpur and Gwalior as per earlier status report dated 16.10.2020 within a period of two weeks and file a compliance affidavit before this Hon'ble Court.

22. The prosecution may be directed to produce the accused persons in all cases which are pending at the stage of appearance. In case, the accused persons do not appear before the Special Court within two weeks; bail, if any, granted shall stand cancelled automatically and the accused persons shall be taken into custody.

B. STATE OF GUJARAT

23. As per the status report dated 18.08.2021 filed by the Registrar General of the High Court, 96 judicial officers have jurisdiction to try cases against MP/MLAs, out of which before 61 judicial officers no cases are pending before them. Total number of pending cases are 41 and most of the Judges have 1 case pending before them and some of them have 2 or 3. Most of the Courts have video conferencing facility barring few of them. The following may be noted as regards pending cases:

	Particulars	Total
a.	Stay by High Court (Serial No. 16, 29, 30, 31, 74, 94 and 95)	7 cases

b.	Case Serial No. 9 which relates to an offence of 2017 is pending investigation.	
c.	Case at Serial No. 66 is at the stage of framing of charge though the offence is under TADA of the year 1999 before Additional District Judge, Porbandar.	

Submission:

24. The High Court may be requested to expeditiously dispose of all pending cases pending before it, preferably within a period of two months.
25. A detailed status report may be called from Additional District Judge, Porbandar as to the reasons for the delay in the trial in TADA case number 2 of 1999 which is presently at the stage of framing the charge.

C. STATE OF KERALA

26. As per the status report dated 18.08.2021 filed by the Registrar General of the High Court, cases are being tried by the respective jurisdictional Courts in different districts. 381 cases are pending before 113 different Courts. The following may be noted as regards pending cases:

	Particulars	Total
a.	Cases pending appearance/ summons	232
b.	Cases pending charge	13
c.	Cases pending before JFMC IV Thiruvananthapuram against which remark has been mentioned as "Repeat Summons to Accused. At present no sitting, notified."	26

d.	Cases under stay by the High Court (Serial No. 110, 111, 119, 152, 177, 181, 198, 234, 250, 270 and 290)	11
e.	Number of cases withdrawn under section 321 Cr.P.C. from 16.09.2020 to 31.07.2021	36
f.	Number of cases where application for withdrawal of prosecution under section 321 Cr.P.C. has been filed and are pending before Courts (Serial No. 356, 359, 360, 364, 369, 370 and 371)	7

27. The status report mentions that in 3 out of 4 Special Courts at Ernakulam, video conferencing facilities are available. So far as Courts in other districts are concerned, the information has not been provided as regards availability of video conferencing facilities.

Submission

28. The prosecution may be directed to produce the accused persons in cases which are pending at the stage of appearance and/or summons to the accused. In case, the accused persons do not appear before the Special Court within two weeks; bail, if any, granted shall stand cancelled automatically and the accused persons shall be taken into custody.

29. Kerala High Court may be requested to dispose of all pending cases pending before it expeditiously and preferably within a period of two months.

30. Video conference facility may be provided in all the Special Courts hearing cases against MP/MLAs.

D. STATE OF JHARKHAND

31. As per the status report dated 18.08.2021 filed by the Registrar General of the High Court, 223 cases are pending before 8 Courts - one of them is at Dhanbad and all others are at Ranchi. As per the earlier report of the Registrar General dated 19.10.2020, 150 cases were pending (96 at Ranchi and 54 at Dhanbad) which have increased to 223. The following may be noted as regards pending cases:

	Particulars	Total
a.	Number of cases before ADJ XVII Dhanbad	74
b.	Number of cases before AJC XV Ranchi	116
c.	Number of cases pending appearance	60
d.	Number of cases pending stay by High Court	5
e.	Cases pending before the Special Court CBI cum PMLA Ranchi (These cases relate to the years 2009 to 2013 and 4 of which are at the evidence stage, 1 at the stage of appearance and 1 for arguments. Video conference facility is not available in this Court, though on all other seven Courts, the said facility is available)	6

32. Some of the cases are more than ten years old; for example, the following cases are pending for long period:

- a. Special Judge Dhanbad : Excise case no. 23 of 1987 for arguments.
- b. Special Judge Dhanbad : GR no. 963 of 2010 for appearance.

- c. Special Judge Dhanbad : GR no. 1095 of 2009 for appearance.
- d. AJC I Ranchi : RC No. 7A of 1997 for evidence.
- e. Special Judge CBI cum PMLA : ECIR 02/PA of 2009 for evidence.
- f. Special Judge CBI cum PMLA : RC 02A of 2013 for appearance.

Submission

- 33. The prosecution may be directed to produce the accused persons in cases which are pending at the stage of appearance and/or summons to the accused. In case, the accused persons do not appear before the Special Court within two weeks; bail, if any, granted shall stand cancelled automatically and the accused persons shall be taken into custody.
- 34. Video conference facility may be provided in Special Court CBI cum PMLA Ranchi.
- 35. Jharkhand High Court may be requested to expeditiously dispose of all pending cases pending before it, preferably within a period of two months.
- 36. The High Court may be requested to look into the cases of inordinate delay in trial of some of the cases mentioned above in the suo moto writ petition registered in terms of the order dated 16.09.2020 and pass appropriate orders.

E. STATE OF RAJASTHAN

- 37. As per the status report dated 18.08.2021 filed by the Registrar General of the High Court, 50 cases are pending before 37 judicial officers. All the Courts have video conferencing facilities. The following may be noted as regards pending cases:

- a. Out of 6 cases pending before AJM Banswara, 4 cases are pending for the appearance of the accused.
- b. 1 case pending before ACJM of Aklera is awaiting warrant though the FIR relates to the year 2016.
- c. 1 case pending before MM No. 6, Jodhpur Metro is at the stage of framing charge though the FIR relates to the year 2015.
- d. 1 case pending before JM Sarada is at the stage of taking cognizance though the case relates to the year 2011.

Submission

38. The High Court may be requested to look into the cases of inordinate delay in trial of some of the cases mentioned above in the suo moto writ petition registered in terms of the order dated 16.09.2020.

F. STATE OF KARNATAKA

39. As per the status report filed by the Registrar General of High Court dated 19.08.2021, there are two Special Courts MP/MLA both of which are at the Sessions level and are located in Bengaluru. However, both the Special Courts appear to be presided over by the same judicial officer B. Jayantha Kumar. Before the Special Court I, 82 cases are pending as on 12.08.2021, out of which 45 are Sessions triable and 37 are Magistrate triable. Before the Special Court II, 73 cases are pending as on 12.08.2021, out of which 15 are Sessions triable and 58 are Magistrate triable. The following may be noted as regard pending cases:

	Particulars	Total
a.	Cases relate to years from 2011 onwards.	
b.	Cases at the stage of appearance of the accused/ summons, though the cases are of the years 2015 to 2021.	35
c.	Some of the cases are under stay by the High Court and by the Supreme Court.	3

40. It has further been stated that the State Government has issued an order dated 09.04.2021, whereby a new Court of Additional Chief Metropolitan Magistrate has been established to try 95 cases triable by the Magistrate. However, the process of confirming the Magistrate power to the said Court is in process and on receipt of the Government order a new judicial officer will take charge of the said Court.

41. The Hon'ble Court issued the following directions on 04.11.2020:

"The learned counsel appearing on behalf of the High Court of Karnataka is directed to file an affidavit regarding the sufficiency of the designated Special Court to deal with the pending cases in a timely manner before the next date of hearing. He is further directed to submit the status of the stays granted."

Submission

42. It is submitted that despite the order of this Hon'ble Court dated 04.11.2020, both the Special Courts at the stage of Sessions level are in both appears to be presided

over by the same judicial officer B. Jayantha Kumar before whom a total number of 155 cases are pending. The High Court on the administrative side may be directed to post another judicial officer to preside over the second Special Court constituted at the Sessions level.

43. A new Court of Additional Chief Metropolitan Magistrate though established by GO dated 09.04.2021; but no judicial officer has been appointed granting the power to try Magistrate triable cases. The High Court and the State Government may be directed to complete the process within a period of two weeks.

STATE OF ORISSA

44. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, 362 cases are pending before 18 judicial officers. As many as 178 cases are for appearance. All the Courts have video conferencing facilities. The following may be noted as regards pending cases:

- a. 31 cases are pending before JMFC Angul, out of which 16 cases are for appearance. No details of the year of institution and the status of trial have been mentioned. Video conference facility is not available in the said Court.
- b. 37 cases are pending before Third Additional Session Judge, Bhubaneswar, out of which 7 cases are for appearance and 3 cases have been stayed by the High Court. The judicial officer was posted on 31.10.2019 and during her posting only 3 cases have been disposed of.
- c. 200 cases are pending before JMFC, Special Court, Bhubanshwar, out of which almost half of them (100) are at the stage of appearance and 31 cases are for trial. One such case for appearance is of the year 1990 (GR

29 of 1990) and many of them are between the years 2003 and 2016. The judicial officer was posted on 07.06.2021 and during this period not a single case has been disposed of.

- d. 47 cases are pending before JMFC, Sambalpur and most of the cases are for appearance. The judicial officer was posted on 29.11.2019 and during her posting not a single case has been disposed of.

Submission

45. The prosecution may be directed to produce the accused persons in cases which are pending at the stage of appearance and/ or summons to the accused. In case, the accused persons do not appear before the Special Court within two weeks; bail, if any, granted shall stand cancelled automatically and the accused persons shall be taken into custody.
46. Video conference facilities may be provided in all the Courts.
47. The High Court may be requested to expeditiously dispose of all pending cases pending before it, preferably within a period of two months.
48. The High Court may be requested to look into the cases of inordinate delay in trial of cases mentioned above in the suo moto writ petition registered in terms of the order dated 16.09.2020 and pass appropriate orders.
49. The High Court, on the administrative side, may seek explanation from the judicial officers for non disposing of cases pending for long periods.

G. STATE OF ASSAM

50. As per the status report dated 19.08.2021 filed by the Registrar General of the High Court, 66 cases are pending before 32 judicial officers in different districts. In almost all Courts, video conferencing facility is available. The following may be noted as regards pending cases:

- a. In the Court of Additional District Judge No. 1 Kamrup (M), 4 sessions cases including cases under section 302 I.P.C. are pending against one sitting MP and all are at the stage of evidence, the earliest is of the year 2006 and the latest is of 2018.
- b. In the Court of Additional District Judge No. 1 Kamrup (M), 3 cases are against one sitting MLA which relate to the years 2014, 2015 and 2018. In 2 cases, examination of witnesses has not yet started.
- c. In the Court of Jaspal Singh, Additional District and Session Judge (place not given), 2 sessions trial are pending which are of the year 2003 and 2018. In the Session trial no. 95 of 2003, out of 270 PWs 103 PWs have been examined and rest are yet to be examined.

Submission

51. The High Court may be directed to issue administrative instructions with regard to the cases pending before the concerned Courts to expedite the trial of the aforesaid cases on day to day basis in terms of section 309 Cr.P.C. Other cases pending before the judicial officers may be allocated to some other officer.

H. STATES OF ARUNACHAL PRADESH, MIZORAM AND NAGALAND

52. As per the status report dated 19.08.2021 filed by the Registrar General of the High Court, 13 cases are pending in Arunachal Pradesh before 8 judicial officers. In most of the Courts, video conferencing facility is not available/ functional. In the State of Mizoram, 2 cases are pending and in Nagaland there are no pending cases against MPs/MLAs.

Submission

53. Appropriate direction may be issued to provide video conferencing facility in all the Courts trying cases of MPs and MLAs in Arunachal Pradesh.

I. STATE OF MANIPUR

54. As per the status report dated 18.08.2021 filed by the Registrar General of the High Court, cases are pending in 6 Special Courts MPs/MLAs. All these Courts have video conferencing facilities for arguments and submissions. However, recording of evidence through video conferencing is yet to start because of the lack of infrastructure.

Submission

55. Video conference facility may be provided in all the Special Courts hearing cases against MPs/MLAs in Manipur.

J. STATE OF MEGHALAYA

56. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, there are 4 cases pending before 4 different Courts. All these Courts

have video conferencing facilities for arguments and submissions. No directions are sought for the State.

K. STATE OF SIKKIM

57. As per the affidavit dated 17.08.2021 by the Registrar General of High Court, there are no pending cases relating to MPs/MLAs in any Court in Sikkim. It has further been stated that video conference facility is available in all the Courts for taking up all the cases. No directions are sought for the State.

L. DELHI

58. There are 6 judicial officers, 3 at the Sessions level and 3 at the Magistrate level dealing with the cases pertaining to MPs/MLAs. A total number of 81 cases are pending. Before each judicial officer 13 to 14 cases are pending trial. Each judicial officer who have been posted between October 2020 and January 2021 has disposed of 4 to 11 cases. No directions are sought as regards trial of cases in Delhi.

M. STATE OF WEST BENGAL

59. 141 cases are pending in the State of West Bengal and all of which are before Special Court MP/MLA 24 Paragana at Bidhanagar. The said judicial officer was posted on 08.01.2021 and has disposed of 18 cases. Video conference facility is available in the said Court. These cases arise from different parts of the State but are pending before one Court.

60. Some of the glaring cases of inordinate delay may be noticed as hereunder:

- a. *Serial no. 2* : Relates to the year 1999 in which charge has been framed only on 03.03.2021 i.e. after the lapse of 22 years.
- b. *Serial no. 7* : Relates to the year 2009; the case is at the stage of appearance and even the charges have not been framed.
- c. *Serial no. 17* : Relates to the year 2008; the case is at the stage of appearance and even the charges have not been framed.
- d. *Serial no. 36* : Relates to the year 2011; the case is at the stage of appearance and even the charges have not been framed.
- e. *Serial no. 58* : Relates to the year 2001; the case is at the stage of appearance and even the charges have not been framed.
- f. *Serial no. 69* : Relates to the year 2009; the case is at the stage of appearance and even the charges have not been framed.
- g. *Serial no. 88* : Relates to the year 1999; the case is at the stage of appearance and even the charges have not been framed.

Submission

61. It is submitted that one Special Court at 24 North Paragana cannot deal with all the cases arising from different parts of the State. As per the earlier report filed by the High Court in September 2020, 134 cases were pending before the Special Court 24 North Paragana which has increased to 141. The cases are pending for decades and there are minimal disposal. The prosecution and the defence cannot be expected to travel long distances for the trial of the cases to Biddhanagar where the Special Court is located. The High Court may be requested, on the administrative side, to establish more Special Courts having regard to the geographical area of the place of occurrence and the number of cases.

N. STATE OF TAMIL NADU

62. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, 380 cases are pending before 36 judicial officers (5 officers in Chennai). Some of the Courts have video conferencing facilities while many Courts do not have the same. The following may be noted as regards pending cases:

- a. Proceedings in a number of cases have been stayed by the High Court and also by this Hon'ble Court.
- b. Disposal of cases by the judicial officers is very less despite long periods of posting. Only the Sessions Judge, Special Court II at Chennai has disposed of 16 cases since his posting in May 2020. Disposal by other judicial officers in most of the cases is nil.

Submission

63. The High Courts may be requested to hear the cases where interim orders have been passed within a time frame. The trial courts may be directed to proceed with the trial, notwithstanding the interim order of the High Court in terms of the order of this Hon'ble Court dated 16.09.2020 and 04.11.2020 and the judgement in the case of *Asian Resurfacing of Road Agency Private Limited v. CBI*, (2018) 16 SCC 299.

64. The High Court may be directed to issue administrative instructions to expedite the trial of pending cases on a day to day basis in terms of section 309 Cr.P.C. Other cases pending before the judicial officers may be allocated to some other officer.

O. UNION TERRITORY OF PUDUCHERRY

65. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, 38 cases are pending before 6 judicial officers. All the Courts have video conferencing facilities. Each Court has a limited number of cases ranging between 1 and 14 pending before them. No directions are sought for the U.T. of Puducherry.

P. STATE OF MAHARASHTRA

66. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, 448 cases are pending before 120 judicial officers in different parts of the State. Most of the Courts have video conferencing facilities. However, there is no disposal of cases in most of the Courts. Only in one or two Courts, few cases have been disposed of. Cases are pending at different stages of appearance, committal, summons, and framing of charge. Very few cases are at the stage of recording evidence. Many cases are under stay by the High Court.

67. Some of the glaring cases of inordinate delay may be noticed as hereunder:

- a. Case No. Criminal MA 1142 of 2016 is pending for appearance before Additional Chief Judicial Magistrate, Aurangabad.
- b. Case No. SCC 377 of 2017 is pending for appearance before Judicial Magistrate First Class, Gangapur, Aurangabad.
- c. Case No. RCC 186 of 2014 is pending for appearance before Judicial Magistrate First Class, Kaiz is under stay by the High Court.
- d. Case No. SCC 629 of 2013 is pending for appearance before Judicial Magistrate First Class, Parali.

- e. Case No. SCC 836 of 2011 is at the stage of evidence before Judicial Magistrate First Class, Jalgaon.
- f. Case No. SCC 90 of 2009 and SCC 2465 of 2008 are pending at the stage of 'NBW unready' before Judicial Magistrate First Class, Jalgaon.
- g. Case No. SCC 86 of 2011 is awaiting warrant before Judicial Magistrate First Class, Umari.
- h. Case No. RCC 398 of 2002 is pending before Additional CJM Usmanabad is under stay by the High Court.
- i. Case No. SCC 378 of 2009 is pending for appearance before Additional Chief Judicial Magistrate, Basmatnagar.
- j. Case No. RCC 160 of 2004 is pending before Additional CJM Kolhapur is under stay by the High Court.
- k. Case No. RCC 5030 of 2009 is pending before Judicial Magistrate First Class No. 9, Pune is under stay by the High Court.

Submission

68. The High Court may be directed to issue administrative instructions to expedite the trial of pending cases on a day to day basis in terms of section 309 Cr.P.C. Other cases pending before the judicial officers may be allocated to some other officer.
69. The High Courts may be requested to hear the cases where interim orders have been passed within a time frame. The trial courts may be directed to proceed with the trial, notwithstanding the interim order of the High Court in terms of the order of this Hon'ble Court dated 16.09.2020 and 04.11.2020 and the judgement in the

case of *Asian Resurfacing of Road Agency Private Limited v. CBI*, (2018) 16 SCC 299.

Q. STATE OF CHATTISGARH

70. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, 18 cases are pending before 16 judicial officers.

71. Some of the glaring cases of inordinate delay may be noticed as hereunder:

- a. *Serial no. 4* : Relates to the year 2011 and is at the stage of framing of charge
- b. *Serial no. 5* : Relates to the year 2012 and is at the stage of framing of appearance
- c. *Serial no. 7* : Relates to the year 2014 for an offence punishable with life imprisonment in which charge has not been framed. The proceedings are stayed by the High Court.

R. STATE OF TELANGANA

72. As per the status report dated 23.08.2021 filed by the Registrar General of the High Court, 147 cases are pending at various stages of trial and are pending before one Special Court MP/MLA, Hyderabad which has jurisdiction for the entire State of Telangana. The stage of these 147 cases are as hereunder:

	Particulars	Total
a.	NBWs pending against accused	8
b.	Examination of accused / framing of charge	10
c.	Trial to be commenced	30

d.	Part heard	53
e.	Examination of accused under section 311 Cr.P.C.	13
f.	Defence Evidence	3
g.	Arguments	21
h.	Judgement	2
i.	Stay by High Court	7

73. Apart from the Special Court Mp/MLA, cases are pending before CBI Special Judge, Hyderabad and Principal Special Judge for trial of SPE and ACB cases.

74. The High Court has filed an IA to transfer Shri Ch. VRR Vara Prasad, Special Judge MP/MLA for the State of Telangana who was posted on 23.10.2019 to the Court of I Additional CBI Court, Hyderabad and to post another officer in place of Shri Ch. VRR Vara Prasad as Special Judge MP/MLA.

Submission

75. There appears to be only one Special Court for the entire State of Telangana at Hyderabad. The prosecution and the defence cannot be expected to travel long distances for the trial of the cases to Hyderabad where the Special Court is located. The High Court may be requested, on the administrative side, to establish more Special Courts having regard to the geographical area of the place of occurrence and the number of cases.

S. STATE OF ANDHRA PRADESH

76. As per the status report dated 19.08.2021 filed by the Registrar General of the High Court, 138 cases are pending at various stages of trial before different Special Courts in the State.

77. Some of the glaring cases of inordinate delay may be noticed as hereunder:

- a. *Serial no. 5* : Relates to the year 2016 against sitting MP/MLA and the case is at the stage of appearance of the accused.
- b. *Serial no. 6 and 7* : Relate to the year 2007 are against sitting MLAs and are at part heard stage.
- c. *Serial no. 9* : Relates to the year 2009 against sitting MPs and is at the stage of appearance.
- d. *Serial no. 19* : Relates to the year 2016 and is under stay by the High Court.
- e. *Serial no. 23 , 24, 25 and 27* : Relates to the year 2014, 2016 and 2017 and are at the appearance stage.
- f. *Serial no. 31* : Relates to the year 2009 and is under stay by the High Court.
- g. *Serial no. 39* : Relates to the year 2007 and is under stay by the High Court.
- h. *Serial no. 113* : Relates to the year 2009 and is at the stage of service of summons.

Submission

78. The High Court may be directed to issue administrative instructions to expedite the trial of pending cases on a day to day basis in terms of section 309 Cr.P.C. Other cases pending before the judicial officers may be allocated to some other officer.

79. The High Courts may be requested to hear the cases where interim orders have been passed within a time frame. The trial courts may be directed to proceed with the trial, notwithstanding the interim order of the High Court in terms of the order of this Hon'ble Court dated 16.09.2020 and 04.11.2020 and the judgement in the case of *Asian Resurfacing of Road Agency Private Limited v. CBI*, (2018) 16 SCC 299.

GENERAL SUBMISSIONS FOR EXPEDITING TRIAL OF PENDING CASES

80. The prosecution may be directed to produce the accused persons in cases which are pending at the stage of appearance. Personal responsibility may be fixed on the Superintendent of Police of the concerned district to ensure the appearance of the accused person on the date fixed before the Court. In case, the accused persons do not appear before the Special Court within two weeks; bail, if any, granted shall stand cancelled automatically and the accused persons shall be taken into custody.

81. The High Court may be directed to issue administrative instructions to expedite the trial of pending cases on a day to day basis in terms of section 309 Cr.P.C. Other cases pending before the judicial officers may be allocated to some other officer.

82. The High Courts may be requested to hear the cases where interim orders have been passed within a time frame. The trial courts may be directed to proceed with the trial, notwithstanding the interim order of the High Court in terms of the order of this Hon'ble Court dated 16.09.2020 and 04.11.2020 and the judgement in the

case of *Asian Resurfacing of Road Agency Private Limited v. CBI*, (2018) 16 SCC 299.

III. WITHDRAWAL OF CASES UNDER SECTION 321 CR.P.C.

A. STATE OF UTTAR PRADESH

83. The Standing Counsel for the State of U.P. by letter dated 20.08.2021, has informed the Amicus that 510 cases relating to Muzaffarnagar riots of 2013 were registered in five districts of Meerut zone against 6869 accused. Out of these 510 cases, in 175 cases the charge sheet was filed, in 165 cases final reports were submitted, 170 cases were expunged. Thereafter 77 cases were withdrawn by the State Government under section 321 of Cr.P.C. The Government Orders do not give any reasons for withdrawal of the case under section 321 of Cr.P.C. It merely states that the administration after full consideration has taken a decision to withdraw the particular case. Many of such cases relate to offences of dacoity under section 397 I.P.C. punishable with imprisonment for life. A list of cases where orders of withdrawal have been passed under section 321 Cr.P.C. and a sample of withdrawal order is annexed herewith as **Annexure 1**.

Submission

84. The 77 cases relating to Muzaffarnagar riots of 2013 withdrawn under section 321 of Cr.P.C. may be examined by the High Court by exercising revisional jurisdiction under section 401 of Cr.P.C. in the light of the law laid down by this Hon'ble Court in the case of *State of Kerala v. K. Ajith* 2021 SCC OnLine SC 510.

B. STATE OF KARNATAKA

85. The Government of Karnataka passed GO dated 31.08.2020 granting permission for withdrawal of 62 cases. The order merely states that the Government has granted permission for withdrawal without assigning any reason for the same. The Karnataka High Court by judicial order passed in WP No. 13781 of 2020 *PUCL v. State of Karnataka* has already stayed the said order and the writ petition is pending consideration. A try copy of the Government Order dated 31.08.2020 is annexed herewith as **Annexure 2**.

C. STATE OF TAMIL NADU

86. 4 cases have been withdrawn under section 321 Cr.P.C. after 16.09.2020. Details of the same have been furnished in Annexure 3 of the report of the Registrar dated 23.08.2021.

D. STATE OF TELANGANA

87. As per the status report dated 23.08.2021, 14 cases have been withdrawn under section 321 Cr.P.C. for various offences which have been allowed by the Courts from 07.10.2020 to 03.08.2021. Details of these cases have been given by way of a chart filed along with the status report.

E. STATE OF KERALA

88. The 36 cases already withdrawn under section 321 of Cr.P.C. after 16.09.2020.

GENERAL SUBMISSION ON SECTION 321 CR.P.C.

89. That this Hon'ble Court in the order dated 10.08.2021 directed that no prosecution against a sitting or former MP/MLA shall be withdrawn without leave of the High Court in the Sou Moto Writ Petition registered pursuant to the order dated 16.09.2020 passed in the present case.

90. It is submitted that withdrawal from prosecution under section 321 Cr.P.C. is permissible in public interest and cannot be done for political consideration. Such application can be made in good faith, in the interest of public policy and justice and not to thwart or stifle the process of law. In view of the repeated misuse of power by the State in withdrawing prosecution for political and extraneous considerations, the following direction may be law down, in addition to the guidelines laid down in the case of *State of Kerala v. K. Ajith* 2021 SCC OnLine SC 510, for exercise of power under section 321 Cr.P.C.

- a. The appropriate Government may issue instructions to the public prosecutor only if the Government, in a given case, is of the opinion that the prosecution was launched maliciously and there is no foundation for prosecuting the accused.
- b. Such an order can be passed for reasons to be recorded for each individual case by the Home Secretary of the concerned State.
- c. No general order can be passed for withdrawal of prosecution of any category of persons or offences committed during a particular period.

91. All the cases which have been withdrawn under section 321 Cr.P.C. after the order of this Hon'ble Court dated 16.09.2020 may be examined by the respective High

Courts by exercising revisional jurisdiction under section 401 Cr.P.C. in the light of submissions made in the preceding paragraphs.

24.08.2021

SUBMITTED BY

VIJAY HANSARIA, SR. ADVOCATE

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Dated: 20.8.2021

Mr. Vijay Hansaria,
Senior Advocate.

Sub: Sub: Writ Petition (Civil) No. 699 of 2016
Ashwani Kumar Upadhyay Vs. Union of India & Ors.

Ref: Your email dated 12.8.2021 regarding the details of
withdrawal of cases relating to Muzaffarnagar riots of
2013 by the State under Section 321 Cr.P.C.

Sir,

With reference to your email dated 12.8.2021 it is
submitted that 510 cases relating to Muzaffarnagar riots of
2013 were registered in five district of Meerut Zone against
6869 accused. Out of these 510 cases, in 175 cases the charge
sheet was filed, in 165 cases final reports were submitted, 170
cases were expunged. Thereafter 77 cases were withdrawn by
the State Government under Section 321 Cr.P.C. The list of
the G.Os. issued in these 77 cases is filed herewith for your
information.

Thanking you,

Yours faithfully,

Encl: List of G.Os. of 77
cases withdrawn by
the State.

(Sanjay Kumar Tyagi)

The List of the G.O.s Issued

S.No.	G.O. Date	Case No.	Title
1.	10/1/2019	Case No. 226/2013 u/s 395, 427 IPC P.S. Fugana Dist. Muzaffarnagar	State Vs. Meghraj & Ors.
2.	10/1/2019	Case No. 406/2013 u/s 147, 148, 452, 436, 427, 504, 506 IPC , and 7-CLA Act P.S Jaunsath Dist. Muzaffarnagar	State Vs. kallu & Ors.
3.	10/1/2019	Case No. 382/2013 u/s. 147, 148, 149, 395, 397, 436, 504, 506 153-A IPC and 7-CLA Act, P.S. Fugana Dist. Muzaffar Nagar	State Vs. Kallu @ Ankur & Ors.
4.	10/1/2019	Case No. 285/2013 u/s 395, 436, 427 IPC P.S. Fugana Dist Muzaffarnagar	State Vs. Anil ors.
5.	10/1/2019	Case No. 155- B/2013 u/s. 147, 148, 149, 436, 427, 504, 506 IPC P.S. Bhorankala Dist Muzaffarnagar	State Vs. Ankit & ors.
6.	10/1/2019	Case No. 155- A/2013 u/s 395, 397, 436, 427, 504, 506 IPC P.S. Bhora.kala Dist Muzaffarnagar	State Vs. Anuj & Ors.
7.	10/1/2019	Case No. 395/2013 Connected Case No. 397/2013 U/s 395, 436 IPC P.S.	State Vs. Ram Krishna & ors.

		Fugana Dist Muzaffarnagar	
8.	10/1/2019	Case No. 279/2013 U/s 395, 295-A, 436 IPC P.S. Fugana Dist. Muzaffarnagar	State Vs. Lokendra & ors.
9.	10/1/2019	Case No. 217/2013 U/s. 395, 397, 436 IPC P.S. Fugana Dist. Muzaffarnagar	State Vs. Naresh & ors
10.	10/1/2019	Case No. 418/2013 u/s. 395, 436, 427 IPC P.S. Fugana Dist. Muzaffar nagar	State Vs. Pappan & ors.
11.	10/1/2019	Case No. 286/2013 U/s 395, 436, 427 IPC P.S. Fugana Dist Muzaffar nagar	State Vs. Satveer & ors.
12.	10/1/2019	Case No. 460/2013 Connected 411/2013 U/s 147, 452, 395, 397, 427 IPC & 7-CLA Act P.S. Fugana Dist Muzaffar nagar	State Vs. Monu Pandit & Ors.
13.	10/1/2019	Case No. 504/2013 U/s 147, 148, 149, 153-A, 452, 504, 395, 397, 436 IPC & 7-CLA Act P.S. Fugana Dist. Muzaffarnagar	State Vs. Mamu & Ors.
14.	10/1/2019	Case No. 326/2013 U/s. 153-A, 342, 395, 436 IPC P.S. Fugana Dist. Muzaffarnagar	State Vs. Pramod & ors.
15.	10/1/2019	Case No. 249/2013	State Vs. Sachin & Ors.

		U/s. 147, 148, 149, 452, 504, 506 IPC & 7-CLA Act P.S. Fugana Dist. Muzaffar nagar	
16.	10/1/2019	Case No. 247/2013 U/s 147, 148, 149, 436, 392, 504 IPC & 7-CLA Act P.S. Fugana Dis.t Muzaffar nagar	State Vs. Parul & ors.
17.	10/1/2019	Case No. 381/2013 U/s. 147, 452, 436 IPC & 7-CLA Act, P.S. Fugana Dist. Muzaffarnagar	State Vs. Neeraj & Ors.
18.	10/1/2019	Case No. 420/2013 U/s. 395, 436, 427 IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Pramod & Ors.
19.	18/1/2019	Case No. 1173/2013 U/s. 147, 148, 360, 427, 436, 332, 353, 411 IPC P.S. Kotwali nagar Dist Muzaffarnagar	State Vs. Pintu @ Pinta @ Bhupendra & Ors.
20.	18/1/2019	Case No. 177/2013 U/s. 454, 380 IPC P.S. Fugana Dist Muzaffarnagar	State Vs. Jaypal & ors.
21.	18/1/2019	Case No. 139/2013 U/s. 396 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Kapil & Ors.
22.	22/1/2019	Case No. 259/2013 U/s. 454, 380 IPC P.S. Fugana Dist Muzaffarnagar	State Vs. Monu & ors.
23.	22/1/2019	Case No. 253/2013	State Vs. Ankit & Ors.

		U/s. 147, 148, 149 452, 436, 395, 397 IPC & 7-CLA Act, P.S. Fugana Dist Muzaffarnagar	
24.	22/1/2019	Case No. 291/2013 U/s. 395, 397, 427 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Anuj & Ors.
25.	22/1/2019	Case No. 205/2013 U/s. 147, 436, 395 153-A IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Jagatpal & Ors.
26.	22/1/2019	Case No. 220/2013 U/s. 395, 397, 436, 427 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Arvind & Ors.
27.	22/1/2019	Case No. 229/2013 U/s. 395, 436, 427, 323, 504, 506 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Hazari & Ors.
28.	22/1/2019	Case No. 225/2013 U/s. 395 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Arvind & Ors.
29.	22/1/2019	Case No. 508/2013 U/s. 395, 397, 336, 153-A IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Prempal & Ors.
30.	22/1/2019	Case No. 180/2013 U/s. 395, 436, 153-A, P.S. Fugana Dist Muzaffarnagar	State Vs. Dr. Jitendra & Ors.
31.	22/1/2019	Case No. 200/2013 U/s. 395, 427 IPC, P.S. Fugana Dist	State Vs. Monu & Ors.

		Muzaffarnagar	
32.	22/1/2019	Case No. 423/2013 U/s. 395, 436, 427, 154-A IPC P.S. Fugana Dist Muzaffarnagar	State Vs. Nitin & Ors.
33.	29/1/2019	Case No. 219/2013 U/s. 395, 436 IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Kala @ Vijay & Ors.
34.	29/1/2019	Case No. 221/2013 U/s. 147, 148, 352, IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Subodh & Ors.
35.	29/1/2019	Case No. 377/2013 U/s. 147, 148, 149, 452, 504, 395, 397, 436, 506 IPC & 7-CLA Act, P.S. Fugana Dist Muzaffarnagar	State Vs. Seeto & Ors.
36.	29/1/2019	Case No. 213/2013 U/s. 323 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Sanju & ors.
37.	29/1/2019	Case No. 408/2013 U/s. 395, 436, 427, 295-A IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Bittu & Ors.
38.	29/1/2019	Case No. 518/2013 U/s. 395, 327, 504 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Bittu Pehalwan & Ors.
39.	22/2/2019	Case No. 146/2013 U/s. 147, 148, 149, 307, 436 IPC, & 7-CLA Act P.S. Fugana Dist.	State Vs. Narendra & Ors.

		Muzaffarnagar	
40.	22/2/2019	Case No. 330/2013 U/s.147, 148, 149, 307, 436, 452, 325, 395, 392 IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Sachin & Ors.
41.	22/2/2019	Case No. 324/2013 U/s.395, 397, 436, 427 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Sanjeev & ors.
42.	22/2/2019	Case No. 209/2013 U/s.147, 436, 395, 153-A IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Arvind & ors.
43.	22/2/2019	Case No. 155/2013 Connected Case No. 160/2013 U/s.147, 148, 149, 395, 397, 307, 436 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Rajkumar & Ors.
44.	22/2/2019	Case No. 283/2013 U/s. 395, 295-A, 427 IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Satyapal & ors.
45.	6/3/2019	Case No. 509/2013 U/s.153-A, 395, 397, 336, 504 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Kuldeep & Ors.
46.	6/3/2019	Case No. 293/2013 U/s. 395, 397, 427 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Kuldeep & ors.
47.	6/3/2019	Case No. 154/2013 U/s.147, 148, 149,	State Vs. Rocky @ Don & Ors.

		307, 452, 395, 397, 427 IPC, P.S. Fugana Dist Muzaffarnagar	
48.	8/3/2019	Case No. 707/2013 U/s. 188 IPC, P.S. Nayi Mandi Dist. Muzaffarnagar	State Vs. Lokesh jain & ors.
49.	31/5/2019	Case No. 180/2013 U/s.153-A, 420 IPC, P.S. Sikheda Dist Muzaffarnagar	State Vs. Sandeep & ors.
50.	31/5/2019	Case No. 551/2013 U/s.153-A, 295, 504, 427 IPC & 7- CLA Act, P.S. Khatauli Dist. Muzaffarnagar	State Vs. Rajnish @ bhoot & Ors.
51.	31/5/2019	Case No. 158- B/2013 U/s.147, 436, 452, 395, 397 IPC, P.S. Bhorankala Dist. Muzaffarnagar	State Vs. Varun & Ors.
52.	31/5/2019	Case No. 298/2013 U/s. 395, 397, 427 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Arvind & ors.
53.	31/5/2019	Case No. 157- D/2013 U/s. 147, 436, 504, 452 IPC, & 7-CLA Act P.S. Bhorankala Dist. Muzaffarnagar	State Vs. Sanjay & Ors.
54.	31/5/2019	Case No. 1186/2013 U/s.436 IPC, P.S. Kotwali Nagar Dist. Muzaffarnagar	State Vs. Anuj & ors.
55.	31/5/2019	Case No. 254/2013	State Vs. Bijendra &

		U/s.147, 148, 149, 395, 397, 452, 323, 504 IPC & 7-CLA Act, P.S. Fugana Dist. Muzaffarnagar	Ors.
56.	31/5/2019	Case No. 521/2013 U/s. 395, 397, 153-A, 436 IPC, P.S. Fugana Dist. Muzaffarnagar	State Vs. Vinod & Ors.
57.	31/5/2019	Case No. 173/2013 U/s.188, 353, 341 IPC, & 7-CLA Act P.S. Sikheda Dist. Muzaffarnagar	State Vs. Umesh Malik & Ors.
58.	3/6/2019	Case No. 231/2013 U/s. 395, 436, 427 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Dr. Aashish & Ors.
59.	3/6/2019	Case No. 460/2013 U/s.435, 153-A, 323, 504, 506 IPC, P.S. Purkaji Dist. Muzaffarnagar	State Vs. Ramu & ors.
60.	3/6/2019	Case No. 1184/2013 U/s.147, 188, 380, 427 IPC, P.S. Kotwali Dist. Muzaffarnagar	State Vs. Gaurav & ors.
61.	3/6/2019	Case No. 511/2013 U/s.395, 397, 153-A IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Vinod & ors.
62.	3/6/2019	Case No. 459/2013 U/s.147, 452, 427, 395, 397 IPC, & 7-CLA Act P.S. Fugana Dist	State Vs. Krishna Dealer @ Krishnapal & ors.

		Muzaffarnagar	
63.	25/6/2019	Case No. 402/2013 U/s.395, 427, 436 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Arvind & ors.
64.	25/6/2019	Case No. 280/2013 U/s.395, 397, 295- A IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Lokendra & ors.
65.	25/6/2019	Case No. 511/2013 U/s.147, 148, 149, 452, 307, 395, 397, 436 IPC, P.S. Shahpur Dist. Muzaffarnagar	State Vs. Sachin & ors.
66.	25/6/2019	Case No. 446/2013 U/s.147, 148, 149, 452, 436, 395, 397, IPC, & 7-CLA Act P.S. Fugana Dist Muzaffarnagar	State Vs. Ankur & ors.
67.	25/6/2019	Case No. 429/2013 U/s.147, 148, 149, 336, 436, 153-A, 295, 392 IPC, P.S. Shahpur Dist. Muzaffarnagar	State Vs. Ravi & Ors.
68.	25/6/2019	Case No. 422/2013 U/s.147, 148, 149, 307, 323 , 153-A, 436, 427 IPC & 7- CLA Act, P.S. Shahpur Dist. Muzaffarnagar	State Vs. Ambuj & Ors.
69.	25/6/2019	Case No. 1183/2013 U/s.147, 148, 188, 332, 353, 411 IPC, P.S. Kotwali Dist Muzaffarnagar	State Vs. Sanju & Ors.

70.	28/6/2019	Case No. 174/2013 U/s.147, 148, 323, 504, 188, 307, 341, 153-A, 120-B, 435 IPC, & 7-CLA Act P.S. Sikheda Dist Muzaffarnagar	State Vs. Shyampal & ors.
71.	20/12/2019	Case No. 155- E/2013 U/s. 392, 395, 323, 504, 427 IPC, P.S. Bhorankala Dist. Muzaffarnagar	State Vs. Sunny & ors.
72.	20/12/2019	Case No. 332/2013 U/s. 395, 397, 153-A, 436 IPC, P.S.Fugana Dist Muzaffarnagar 2. Case No. 484/2013 U/s.147, 148, 149, 153-A, 452, 504, 395, 397, 436 IPC, & 7- CLA Act P.S. Sikheda Dist Muzaffarnagar 3. Case No. 297/2013 U/s. 153-A, 395, 397, 436 IPC P.S. Fugana Dist. Muzaffarnagar	1.- State Vs. Rocky @ Don & Ors 2.- State Vs. Rocky @ Don & ors. 3- State Vs. Rocky @ Don & ors.
73.	8/6/2020	Case No. 178/2013 U/s.147, 353, 153- A, 341 IPC, & 7- CLA Act P.S. Sikheda Dist. Muzaffarnagar	State Vs. Shyampal & ors.

74.	26/6/2020	Case No. 323/2013 U/s.147, 148, 149, 395, 436, 452 IPC, P.S. Fugana Dist Muzaffarnagar	State Vs. Yogesh & Ors.
75.	29/6/2020	Case No. 373/2013 U/s.147, 148, 149, 452, 395, 397, 327, 506, IPC & 7- CLA Act P.S. Fugana Dist. Muzaffarnagar	State Vs. Taufik & Ors.
76.	13/10/2020	Case No. 506/2013 U/s.147, 148, 149, 307, 153-A, IPC, & 7-CLA Act P.S.Fugana Dist. Muzaffarnagar	State Vs. Virendra @ Bilendra @ Kallu & ors.
77.	25/3/2021	Case No. 529, 208/2013 U/s.395, 436, 427, 323, 153-A IPC P.S. Fugana Dist. Muzaffarnagar	State Vs. Bittu & ors.

Speed Post
No.586WC/Saat-Nyay-5-2018-303WC/2018

From

Arun Kumar Rai
Deputy Secretary,
Government of Uttar Pradesh

To

District Magistrate,
Muzaffarnagar

Legal Section-5 (Criminal) Lucknow dated 10th January, 2019

Sub: Withdrawal of Case Crime No.226/2013 under Section 395, 427 IPC, P.S. Fugana, District Muzaffarnagar. State Vs. Megh Raj & others.

Sir,

With reference to your letter No.1282/18-B/2018-2015-18/J.A. dated 16.9.2018 on the above noted subject, I have been directed to state that after thorough consideration of the facts of the case and the available report/file, the Government has decided to grant permission to the Public Prosecutor to file an application in the Hon'ble Court for withdrawal of the said case

2. The Hon'ble Governor has accordingly accorded permission to the Public Prosecutor to file an application for withdrawal of the aforesaid case in the Hon'ble Court.
3. Kindly take action in accordance with the provisions of Section 321 of the Code of Criminal Procedure (Cr.P.C.), as aforesaid.

Yours faithfully,
Sd/-
(Arun Kumar Mishra)
Deputy Secretary

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Translated Copy of Annexure – K**Proceedings of the Government of Karnataka**

Sub.: Reg. Withdrawal of Prosecution of 62 criminal cases registered in various Police Stations under Section 321 of the CrPC

Proposal:

The Government has comprehensively examined the request to withdraw the prosecution of the 61 cases in annexure registered in various police stations and has passed the following order

**Government Order No.: OE 03 MoHiBa 2019,
Bengaluru, Dated 31.08.2020**

The Government has granted permission for the withdrawal of prosecution of the 61 cases mentioned in the annexure under the section 321 of CrPC.

The Director, Department of Prosecutions and Government Litigation is suggested to take appropriate steps to file necessary applications before the concerned Courts where the 61 cases, mentioned in the Annexure is pending, for their withdrawal.

On the Orders of and in the name of the Governor Of Karnataka

Sd/-

(Latha S.S.)

Under Secretary to the Government

Department of Personal and Administrative Reforms (Crimes)

To:

1. Director General and Inspector General of Police, Bengaluru
2. Director, Department of Prosecutions and Government Litigation. Cauvery Bhavan, Bengaluru
3. Deputy Secretary to the Government, Cabinet of Ministers (C. 372/2020)

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4. Department Copy/ Additional Copy

Copy for Information:

1. Personal Secretary to the Additional Chief Secretary of the Government, Department of Personal and Administrative Reforms
2. Personal secretary to the Principal Secretary, Government, Department of Law
3. Personal Secretary to the Secretary (PCAS), Department of Personal and Administrative Reforms
4. Personal Assistant to the Deputy Secretary to the Government, Department of Personal and Administrative Reforms (Crimes)
5. Under Secretary to the Government, Department of Personal and Administrative Reforms (Co-ordination)


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TRANSLATED COPY OF ANNEXURE - 9

Number: DPS:Mohiba:01:2020.
Litigations

Prosecution and Government

Directors Office, K.H.B. Complex,
6th Floor, Kaveri Bhavan, K.G. Road,
Bengaluru, Date: 05.08.2020

Government Secretaries (PCAS),
DPA, R,
Vidhana Soudha,
Bengaluru.

- To,

Sir,

Subject: Regarding submitting the present stage information about the various cases registered in the police stations of various districts of the State.

Reference: Government's Letter N: E-OE:55Mohiba:2020, D: 30.07.2020.

In the referenced letter from the Government, the information in regard to the current status of 62 cases registered in various police stations was sought. The said information in regard to the cases has been gotten ready and is furnished in the Exhibit for your perusal.

Yours faithfully,

Sd/

HK Jagadish

Director (PRA)

Department of Prosecution and Public Litigation, Bangalore

No. 22213856

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Sl. No.	District /City	Police Station	Crime No.	SC/CC No.	Present stage of case	Next date of Case
1.	Mysuru	Hunasuru Town	216/2015	158/2017	For Charge	Dt. 25.08.2020
2.			281/2015	136/2019	For appearance of accused	Dt. 27.08.2020
3.			285/2015	25/2019	Warrant has been issued	Dt. 27.08.2020
4.			300/2015	252/2019	Summons have been issued	Dt. 26.08.2020
5.			125/2015	816/2016	For trial	Dt. 27.07.2020
6.			328/2017	56/2018	Presence of accused	Dt. 20.08.2020
7.			472/2017	1104/2018	Presence of accused	Dt. 27.08.2020
8.			473/2017	909/2018	Trial	Dt. 27.08.2020
9.			474/2017	222/2019	Evidence of witness	Dt. 27.08.2020
10.			475/2017	65/2019	Evidence of witness	Dt. 21.08.2020

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11.			476/2017	488/2018	Warrant has been issued	Dt. 27.08.2020
12.			69/2019	319/2019	Warrant has been issued	Dt. 27.08.2020
13.		Bilikere	350/2017	177/2020	Summons has been issued to accused	Dt. 18.09.2020
14.	Belagavi	Market	411/2017	547/2015	Summons has been issued to accused	Dt. 25.08.2020
15.			421/2014	548/2015	Summons has been issued to accused	Dt. 25.08.2020
16.			423/2014	549/2015	Summons has been issued to accused	Dt. 25.08.2020
17.			424/2014	550/2015	Summons has been issued to accused	Dt. 25.08.2020
18.			425/2014	551/2015	Summons has been issued to accused	Dt. 25.08.2020
19.			426/2014	552/2015	Summons	Dt. 25.08.2020

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					has been issued to accused	
20.			428/2014	554/2015	Summons has been issued to accused	Dt. 25.08.2020
21.		Malamaru ti	296/2014	556/2015	Summons has been issued to accused	Dt. 25.08.2020
22.			297/2014	555/2015	Summons has been issued to accused	Dt. 25.08.2020
23.			295/2014	553/2015	Summons has been issued to accused	Dt. 25.08.2020
24.		APMC	280/2014	409/2015	Summons has been issued to accused	Dt. 23.08.2020
25.		APMC	276/2014	565/2015	Await orders	Dt. 28.09.2020
26.		Khadebjar	229/2014	905/2015	Summons has been issued to accused	Dt. 25.11.2020
27.	Uttara Kannada	Honnavaara	578/2017	984/2019	Trial	Dt. 18.08.2020

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28.			579/2017	482/2018	Trial	Dt. 06.08.2020
29.			580/2017	483/2018	For charge	Dt. 06.08.2020
30.			598/2017	886/2019	For committal order	Dt. 27.07.2020
31.			593/2017	195/2019	For charge	Dt. 27.07.2020
32.			589/2017	764/2018	Order has been passed for withdrawal of prosecution vide Govt. Order no. EO 12 Mo Hiv 2019 dt. 05.05.2020.	
33.	Bidar	Gandhi Ganj	242/2015	SC 165/2019	For Plea	Dt. 03.08.2020
34.		Gandhi Ganj	243/2015	430/2016	For appearance	Dt. 16.09.2020
35.		Gandhi Ganj	20/2018	1909/209 1	For appearance	Dt. 20.09.2020
36.		Market	50/2016	372/2017	Plea	Dt. 14.10.2020
37.	Haveri	Haveri City	144/2018	60/2019	For Charge	Dt. 29.07.2020
38.		Haveri City	105/2017	139/2017	For Orders	Dt. 03.08.2020
39.		Hanagalla	54/2018	304/2018	Steps	Dt. 03.09.2020
40.		Ranibennuru City	149/2018	139/2019	For Charge	Dt. 09.09.2020
41.	Belagavi	Ramadurga	33/2019	615/	HBC	Dt. 10.08.2020

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42.		Katakola	232/2018	808/2018	Summons has been issued to accused	Dt. 28.07.2020
43.		Katakola	289/2018	148/2019	HBC	Dt. 27.07.2020
44.	Bellari	Kampli	141/2018	360/2019	For charge	Dt. 05.08.2020
45.	Bengaluru City	Halasuru	104/2013	50278/2016	For Evidence	Dt. 07.09.2020
46.		Halasuru	103/2013	50442/2016	For Evidence	Dt. 07.09.2020
47.	Mandya	Mandya West	137/2010	878/2010	For presence of accused	Dt. 15/09.2020
48.		Mandya West	02/2017	272/2020	For presence of accused	DT. 29.07.2020t
49.	Dharwad	Kalaghata gi	207/2017	613/2019	For orders on bail	Dt. 06.08.2020
50.		Kalaghata gi	208/2017	748/2018	Evidence of witness	Dt. 29.07.2020
51.	Koppal	Koppal City	162/2013	286/2014	Transferred to Bangalore special Court on 13/06/2018	
52.		Yalaburga Town	152/2017	193/2018	For charge	Dt. 01.09.2020
53.	Belagavi	Kagavada	137/2018	1204/2018	For summons	Dt. 01.09.2020
54.	Bagalkote	Jamakhandi City	78/2018	1125/2018	For appearance of accused	Dt. 25.08.2020
55.	Davangere	Honnali	231/2018	SC No. 161/2019	For charge	Dt. 18.08.2020

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56.	Bellary	Hosapete City	19/2017	1025/2017	For appearance of accused	Dt. 30.07.2020
57.	Haveri	Hansabha vi	149/2017	115/2018	NBW	Dt. 15.09.2020
58.		Rattihalli	101/2012	214/2013	Evidence	Dt. 28.07.2020
59.		Savanuru	61/2017	SC NO. 35/2019	HBC	Dt. 12.08.2020
60.		Ranibennuru City	148/2016	50/2017	Evidence	Dt. 20.08.2020
61.		Ranibennuru City	13/2016	394/2019	Enquiry	Dt. 14.08.2020
62.	Hubli-Dharwad	Upanagara	170/2015	1306/2017	Evidence of Witness	Dt. 21.08.2020

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*This is correct translated copy
of Annexure-G*