

Court No. - 48

Case :- CRIMINAL MISC. WRIT PETITION No. - 19819 of 2022

Petitioner :- Kamla Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Satya Dheer Singh Jadaun, Pankaj Dwivedi

Counsel for Respondent :- G.A.

Hon'ble Suneet Kumar, J.

Hon'ble Syed Waiz Mian, J.

Pursuant to the order dated 22.12.2022, the learned A.G.A. has filed personal affidavit of the Officers, who have put in appearance before the Court.

Learned Additional General Advocate, at the outset makes a statement that the relief claimed by the petitioner with regard to transfer of the investigation, the respondent no.2- Commissioner of Police, has transferred the investigation to the Crime Branch. He further submits that on the allegations made by the petitioner with regard to the unfair investigation, an inquiry has been setup on the administrative side on the alleged conduct of the police officials.

Under the circumstances, the grievance of the petitioner no longer survives. However, on request of the parties, put up this matter on 30th January, 2023.

In the meantime, Investigating Officer of the Crime Branch shall conduct the investigation fairly without any pressure or coercion from either of the sides and conclude the investigation expeditiously. On the date fixed, learned A.G.A. to inform the Court with regard to the status of the investigation.

It is expected that the parties shall co-operate with the investigation.

The presence of the Officers are exempted.

After passing of the order at about 11:40 a.m. in a considerably packed court, it appears thereafter the petitioner, a practising advocate, had provoked the members of the Bar to assault the officers who were summoned by the Court. A large crowd of advocates had assembled in the Court and a larger number outside the Court in the verandah and staircase, and raised slogans to assault the officers. The conduct of the members of

the Bar creating ruckus and continuous murmuring, tantamounts to interference with the judicial proceedings. This incident had occurred at around 12:35 p.m. The court had to rise in order to ensure the security of the officers, including, lady officer, they were escorted from the entry door of the Judges through the judges corridor via judges lift. One of the officer had to accompany the Court (Judges) to avoid untoward incident. It is informed that the officers were chased by the advocates towards Gate No.1 to assault them.

The matter requires to be inquired to identify the unruly advocates.

Accordingly, the Registrar General is directed to conduct a discreet inquiry and submit a report. The case would be registered as a separate case.

Having regard to the conduct of the advocates, it appears that the drama was stage managed to malign the Court proceedings. In the circumstances, the Court is not inclined to monitor the investigation. Petitioner has a remedy before the Magistrate.

The writ petition is accordingly, dismissed, having rendered infructuous.

Order Date :- 22.12.2022

Shivangi