

Case :- MISC. BENCH No. - 25848 of 2021

Petitioner :- Piyush Shrivastava (In Person) & Ors.

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. & Ors.

Counsel for Petitioner :- Piyush Shrivastava, Shailendra Kumar Misra, Suchita Singh

Counsel for Respondent :- C.S.C., Subhash Chandra Pandey

Hon'ble Rakesh Srivastava, J.

Hon'ble Shamim Ahmed, J.

In pursuance of the order passed by this Court Sri Somen Verma, Deputy Commissioner of Police, West Zone, Lucknow, Sri Raj Kishore Pandey, Station House Officer, Police Station Wazirganj and Sri Tej Prakash Singh, the Investigating Officer are present in person.

Supplementary affidavit dated 15.11.2021 as well as the supplementary affidavit filed today are taken on record.

The petitioner, Piyush Srivastava, Shailendra Kumar Misra and Ms Suchita Singh have filed this writ petition praying inter alia the following relief:

- i) Issue a writ, order or direction in the nature of mandamus commanding any responsible administrative or judicial officer to be appointed by the Hon'ble Court to conduct a thorough inquiry into the incident dated 30.10.2021 at about 4.30 p.m. adjacent to Gate No. 6, old High Court, Kaiserbagh, Lucknow and punish the culprits and pass other appropriate orders, in the interest of justice.

The petitioners are advocates practicing at Lucknow. On 30.10.2021 they filed a bail application in connection to FIR No. 581 of 2018 in the court of Special Additional Chief Judicial Magistrate, Central Bureau of Investigation (Ayodhya Prakaran), Lucknow. The said application was taken up at 1 pm and was allowed and the accused persons were ordered to be enlarged on bail.

It is alleged that at about 1.30 pm Satish Kumar Verma, the complainant in the case, claiming himself to be an advocate practicing at Collectorate, Lucknow accosted the petitioners and asked them not to file bail bonds of the accused persons. At about 3 pm Shailendra Kumar Misra verified the bail bonds as well as the sureties and about 4 pm the accused persons were released on bail.

It is alleged that at about 4.40 pm the same day, 30 to 40 advocates surrounded the petitioners near Gate No. 6, Old High Court Building and hurled abusive language and badly assaulted the petitioners. A first information report was also lodged with the Wazirganj police station. In support of their allegation the petitioners have brought on record some photographs and a video CD recording of the incident.

It is stated that it is not safe to perform lawful duties in the District Courts of Lucknow as violence with litigants, police personnel and lawyers has become the rule of the day. In order to demonstrate the rising violence in court campus, the petitioners have brought on record a first information report dated 25.3.2017 lodged by the then Chief Judicial Magistrate, Lucknow against Anurag Trivedi, Saifi Mirza and others complaining about the violent behaviour of the lawyers.

We have heard the petitioners who have appeared in person and Sri H.P. Srivastava learned Additional Chief Standing Counsel at some length.

This court cannot sit and watch the unprofessional and unruly behaviour of the lawyers as a mute spectator and is duty bound to ensure that the citizens do not face any difficulty in accessing justice. Any effort to obstruct the rule of law has to be curbed with a heavy hand.

In this background, the Deputy Commissioner of Police is directed to hold an inquiry and identify the persons who are involved in the incident. While doing so it would be open to him to take help of the averments made in the writ petition as well as the photographs and CD annexed with the writ petition. The District Judge, Lucknow, the President of Lucknow Bar Association and Central Bar Association are directed to extend all help to the Deputy Commissioner of Police in identifying the culprits.

The Deputy Commissioner of Police shall submit a comprehensive report regarding the unfortunate incident and also the details of the action taken in connection with the first information report dated 25.03.2017 in a sealed cover to this Court by the next date fixed.

It is strange that on the report of the Chief Judicial Magistrate, no arrest has been made although the charge-sheet is alleged to have been filed.

The District Judge, Lucknow is directed to send a comprehensive report regarding the incident of 30.10.2021 wherein he shall also state the action taken on the reference made by the Chief Judicial Magistrate

In the affidavit filed by the petitioners today the petitioners have stated that they are being extended threat by the advocates involved in this case.

In the circumstances, the Deputy Commissioner of Police is directed to provide armed security to the petitioners, namely, Piyush Srivastava, Shailendra Kumar Mishra and Ms. Suchita Singh.

All the officers who are present today shall appear again on the date fixed.

Let the case be listed on 23.11.2021.

The Senior Registrar is directed to communicate this order to the District Judge, Lucknow.

Order Date :- 17.11.2021

Pradeep/-

(Shamim Ahmed, J.)

(Rakesh Srivastava, J.)