

BRIEF SYNOPSIS

The present writ petition is being filed by the Petitioners for seeking protection of their life and liberty since the Petitioners apprehend danger to their life guaranteed under Article 14, 19 and 21 of the Constitution. It is submitted that Petitioner no. 1, being a Sub-Inspector in the employment of the State of Uttar Pradesh, Respondent no. 2 herein, wife of Petitioner no. 1, are apprehending danger to their life and liberty in lieu of the extra-judicial killing of one Vikas Dubey and other alleged accused persons after being arrested by numerous teams of police of State of U.P. The Petitioners are also praying for transfer of the investigation in FIR No. 192 of 2020 registered at P.S. Chaubeypur, Kanpur, State of Uttar Pradesh to the Central Bureau of Investigation, Respondent no. 4 herein, or any other independent investigative agency/team constituted by Respondent no. 1.

It is submitted that Petitioner no. 1, even though being a part and parcel of the police department, is apprehending danger to his life and liberty due to the fact that as per the news reports, the accused persons, namely Vikas Dubey, Prabhat Mishra, Ranbir Shukla alias Bauva Shukla, Amar Dubey, Prem Prakash Pandey and Atul Dubey alleged to have escaped police custody and were shot

dead by police teams under suspicious circumstances, while in custody of the police and also being accompanied by numerous police teams of State of Uttar Pradesh, Respondent no. 2 herein as well as being in the custody of the various SIT officials deputed to arrest the alleged accused persons. It is submitted that Petitioner no. 1 and other police personnel belonging to the police department of State of Uttar Pradesh, although not named in the FIR No. 192 of 2020 dated 03.07.2020 registered at P.S. Chaubeypur but have been arrested in connection with this FIR which is clear from the suspension letter and the General Diary Details which proves that Petitioner no. 1 has been arrested in connection with the same FIR

Therefore, in these circumstances, the Petitioners are also seeking transfer of the investigation in FIR No. 192 of 2020 dated 03.07.2020 to Respondent no. 4 or any other independent investigative agency/team constituted by Respondent no. 1 in this regard. It is submitted that the Petitioners are of the firm view that the investigation would not be conducted in a lawful, fair, reasonable and transparent manner since the offences include the alleged killing of eight police personnel belonging to the department of Petitioner no. 1. It is further submitted that the extra judicial killings/encounters of other accused in the present

FIR shows volumes of the conduct of the police department of State of Uttar Pradesh. Thus, the Petitioners are seeking protection of their fundamental right to life and for a fair investigation and trial guaranteed under Article 14 and 21 of the Constitution of India by seeking transfer of the investigation to Respondent no. 4 or any other independent investigative agency/team constituted by Respondent no. 1.

LIST OF DATES

03.07.2020 FIR no. 192 of 2020 was registered at P.S. Chaubeypur u/s 147, 148, 149, 302, 307, 294 IPC and section 7 of the Criminal Law Amendment Act, 1932. It has been stated in the FIR that in the intervening night of 02.07.2020 and 03.07.2020 one Vikas Dubey and other accused persons have killed eight police officers of the police department of the State of Uttar Pradesh during a raid conducted by the police to arrest the accused persons and thereafter as stated in the FIR that Vikas Dubey and other co-accused have fled from the scene of crime.

It is stated that pursuant to the above incident, Respondent no. 2 had constituted several investigative teams of the Special Investigation Team (SIT), Crime-Branch Crime Investigation Department (CBCID), Special Task Force (STF) as well as police teams of the State of U.P. in order to probe the alleged incident and arrest the alleged accused persons, specially accused Vikas Dubey.

03.07.2020

On the same day of the registration of the FIR, two accused persons, namely Atul Dubey and Prem Prakash Pandey were killed while escaping custody of the police. Thus, the death of the accused namely Atul Dubey and Prem Prakash Pandey shown in an encounter are the suspicious circumstances. It is also stated that on this day itself, the Petitioner no. 1 was directed to surrender his official mobile telephone and he deposited the same with the Incharge of the police station and was

directed by the Incharge to remain within the premises of the police station.

05.07.2020 The Petitioner no. 1 was suspended by informing him that he is involved as an accused in FIR No. 192 of 2020. However, the copy of the suspension letter is not available with Petitioner no. 2.

08.07.2020 It is stated that Petitioner no. 1 was arrested in connection with FIR No. 192 of 2020 alleging therein that Petitioner no. 1 had informed the accused persons about the police raid to arrest the accused persons. However, it is stated that Petitioner no. 1 was directed by his Incharge namely Vinay Tiwari to remain at the police station and told him in the night that he is going in a team for the arrest of some criminal as per the instructions to him on phone with further instructions to conduct a cross checking at GT crossing road. It is further stated that the contents of the alleged General Diary Details itself is a proof and speaks volumes of the lies of the arresting person of

Petitioner no. 1 showing that he was trying to run away whereas it is matter of record that Petitioner no. 1 was living in the quarters situated within the premise of the police station.

08.07.2020 On this day, the Special Task Force constituted to search and arrest the accused persons in the present FIR arrested one Amar Dubey who has been allegedly killed in an encounter allegedly while escaping from the custody of the arresting team. Thus, the death of the accused namely Amar Dubey shown in an encounter in Maudaha, District Hamirpur, Uttar Pradesh are the suspicious circumstances.

09.07.2020 On this day, the SIT, CBCID, STF and other investigative agencies in which arrested two other accused persons in the above FIR, namely Prabhat Mishra and Ranbir Shukla alias Bauva Shukla, who were allegedly escaping the custody of the police teams

afterbeing arrested in Faridabad, Haryana. Thus, the death of the accused namely Prabhat Mishra and Ranbir Shukla alias Bauva Shukla shown in an encounter in Faridabad, Haryana are the suspicious circumstances.

09.07/10.07.2020 It is stated that on 09.07.2020, another accused namely Vikas Dubey was arrested in Ujjain, Madhya Pradesh by the police department of State of Madhya Pradesh and thereafter, the above investigative teams of Respondent no. 2 took custody of Vikas Dubey. It is stated that on 10.07.2020, while the accused Vikas Dubey was being brought to Kanpur, Uttar Pradesh, in the custody of the SIT, CBCID, STF and the police teams of Respondent no. 2, Vikas Dubey was trying to escape from the police custody andalleged to have been encountered under suspicious circumstances by the STF, CBCID, SIT and the other police teams of Respondent no. 2. It is thus submitted that the alleged killing of the

accused person in the above FIR, namely Vikas Dubey who was allegedly escaping the custody of the police teams in Kanpur, Uttar Pradesh. Thus, the death of the accused namely Vikas Dubey shown in an encounter in Kanpur, Uttar Pradesh are the suspicious circumstances.

It is submitted that the extra judicial killings of the all of the above accused shows plentiful conduct and modus operandi of the all the investigative agencies responsible for investigation of the present FIR. It is clearly evident that the institutions tasked with the protection of law and order in the state have taken law into their own hands and have been killing the accused persons as soon as arresting such persons.

It is submitted that Petitioner no. 1 is ready and willing to cooperate with the investigation however, Petitioner no. 1 is praying before this Hon'ble Court that any/all

interrogation required from Petitioner no. 1 shall take place from Mati Jail, Kanpur Dehat where Petitioner no. 1 is presently lodged.

12.07.2020 Hence the Petitioners are filing the present writ petition seeking protection of their life guaranteed under Article 21 of the Constitution and also seeking transfer of the investigation in FIR no. 192 of 2020 dated 03.07.2020 by Respondent no. 4 or an independent investigative agency/team constituted by Respondent no. 1 in this regard.

IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY ORIGINAL JURISDICTION

WRIT PETITION (CRL.) No. _____ of 2020

(Under Order XXXVIII of the Supreme Court Rules, 2013)

(A Writ of Mandamus under Article 32 of the Constitution of
India)

IN THE MATTER OF:-

1. Krishn Kumar Sharma

2. Mrs. Vinita Sirohi

...Petitioners

Versus

1. Union of India

Through Ministry Home Affairs

Through its Secretary,

North Block, New Delhi – 110001 ...Respondent no. 1

2. State of Uttar Pradesh

Through Chief Secretary

Government of Uttar Pradesh

101, Lok Bhawan, U.P. Civil Secretariat,
Vidhan Sabha Marg, Lucknow,
State of Uttar Pradesh ...Respondent no. 2

3. Senior Superintendent of Police,
SSP Office, Kanpur Nagar,
State of Uttar Pradesh ...Respondent no. 3

4. Central Bureau of Investigation,
Through the Director,
Plot No. 5-B, 6th Floor,
CGO Complex, Lodhi Road,
New Delhi - 110003 ...Respondent no. 4

A WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF
MANDAMUS OR ANY OTHER APPROPRIATE WRIT,
DIRECTION OR ORDER IN THE NATURE OF MANDAMUS
TO THE RESPONDENTS FOR THE PROTECTION OF LIFE
OF THE PETITIONER NO. 1 NAMELY KRISHAN KUMAR
SHARMA THROUGH HIS NEXT FRIEND (WIFE) NAMELY
VINITA SIROHI, PETITIONER NO. 2, WIFE OF KRISHAN
KUMAR SHARMA AND WRIT OF MANDAMUSOR ANY
OTHER APPROPRIATE WRIT, DIRECTION OR ORDER IN
THE NATURE OF MANDAMUS TO THE RESPONDENTS
TO TRANSFER THE INVESTIGATION IN FIR NO. 192 OF

2020 AT P.S. CHAUBEYPUR, KANPUR TO RESPONDENT
NO. 4 OR ANY OTHER INDEPENDENT INVESTIGATIVE
AGENCY/TEAM CONSTITUTED BY RESPONDENT NO. 1

To,

The Hon'ble Chief Justice of India and his other Hon'ble
Companion justices of the Hon'ble Supreme Court of
India.

The above petition of the above -named petitioners

MOST RESPECTFULLY SHOWETH:-

1. That the present writ petition is being filed by the
Petitioners for issuance of a writ of Mandamus or any
other appropriate writ, direction or order in the nature of
Mandamus to the Respondents for the protection of the
lives of the Petitioners namely Mr. Krishan Kumar Sharma
through his next friend (wife) namely Ms. Vinita Sirohi,
Petitioner no. 2, wife of Mr. Krishan Kumar Sharma, and
for protection of their rights guaranteed under Article 14,
19 and 21 of the Constitution of India.
2. That the Petitioners are peace loving and law abiding
citizens of India and are entitled to pray before this
Hon'ble Court for the fundamental rights guaranteed to
them under Article 14, 19 and 21 of the Constitution of

India. The present petition is being filed directly before this Hon'ble Court because this Hon'ble Court is the guardian of all the citizens of India and the guarantee given under the Constitution of India to the citizens of India. Further this Hon'ble Court has been conferred with the powers to protect the rights of the citizens of India and this Hon'ble Court has confirmed this power and the duty in various landmark cases delivered by this Hon'ble Court.

3. That the Petitioners have not filed any other Writ Petition on the same facts and on similar grounds in any other High Court of the country under Article 226 of the Constitution of India and under Article 32 of the Constitution of India in this Hon'ble Court.
4. That Petitioner no. 1 has been serving as Sub Inspector in the police department of State of Uttar Pradesh and Petitioner no. 2 is the legally wedded wife of Petitioner no. 1. This writ petition is being in a representative capacity of Petitioner no. 1 by Petitioner no. 2 being his legally wedded wife and next friend as well as in individual capacity of Petitioner no. 2 since the life of her husband is in peril and there is a threat to the life of Petitioner no. 1, the husband of Petitioner no. 2. Petitioner no. 2, after

seeing the incidents of encounters of the alleged accused persons in the present FIR is of the confirmed opinion and has full apprehension that her husband may be eliminated by adopting illegal and unconstitutional means. The incidents of encounters of the alleged accused persons in the present FIR fully proves the facts that the Respondents have no faith in the courts of law and the law of the land and are giving final verdict of punishment by adopting illegal and unconstitutional manners.

5. That the Petitioner no. 1 cannot come directly before this Hon'ble Court since he is confined to the jail and due to lockdown, in the whole State of U.P., he is unable to approach this Hon'ble Court directly. Petitioner no. 2 also cannot contact her husband inside the jail due to the lockdown and security reasons because she apprehends danger to her life also. The Petitioner no. 2 is residing at a distance of 60 kms from the premise of this Hon'ble Court and she is unable to go to the Hon'ble High Court of Allahabad due to the lockdown and other security reasons. Since the life of Petitioner no. 1 and Petitioner no. 2 is in great danger, the Petitioners are compelled to approach this

Hon'ble Court directly under Article 32 of the Constitution of India.

6. That the Petitioner no. 2 has minor boy, being 6 years of age and a widow mother-in-law and has to look after them and in these circumstances, she is facing hardship to approach any other court except this Hon'ble Court for the protection of the life of herself, her husband and her family members.
7. That the Respondent no. 1 is a proper and necessary party since it is in-charge of the overall affairs of the country as well as is competent to constitute a SIT for the conducting an impartial, independent, fair and transparent manner. Respondent no. 2 is a proper and necessary party since the Petitioner no. 1 is employed under Respondent no. 2 and Respondent no. 2 has constituted the various investigative agencies for probing the present FIR. Respondent no. 3 is a proper and necessary party since it is incharge of the area where the alleged incident has been committed. Respondent no. 4 is a proper and necessary since it has been prayed that the present investigation be transferred from Respondent no. 2 to Respondent no. 4.

BRIEF FACTS OF THE CASE

8. That on 03.07.2020, FIR no. 192 of 2020 was registered at P.S. Chaubeypur u/s 147, 148, 149, 302, 307, 294 IPC and section 7 of the Criminal Law Amendment Act, 1932. It has been stated in the FIR that in the intervening night of 02.07.2020 and 03.07.2020 one Vikas Dubey and other accused persons have killed eight police officers of the police department of the State of Uttar Pradesh during a raid conducted by the police to arrest the accused persons and thereafter as stated in the FIR that Vikas Dubey and other co-accused have fled from the scene of crime. True translated copy of FIR No. 192 of 2020 dated 03.07.2020 registered at P.S. Chaubeypur is annexed herewith as **ANNEXURE P-1. [PAGE NO.**

9. That pursuant to the above incident, as per the news reported, Respondent no. 2 had constituted several investigative teams comprising of the Special Investigation Team (SIT), Crime-Branch Crime Investigation Department (CBCID), Special Task Force (STF) as well as police teams of the State of U.P. in order to probe the alleged incident and arrest the alleged accused persons.

10. That on 03.07.2020, as per the news reported, on the same day of the registration of the FIR, two accused persons, namely Atul Dubey and Prem Prakash Pandey were killed while escaping custody of the police. Thus, the death of the accused namely Atul Dubey and Prem Prakash Pandey shown in an encounter are the suspicious circumstances. It is also stated that on this day itself, the Petitioner no. 1 was directed to surrender his official mobile telephone and he deposited the same with the Incharge of the police station and was directed by the Incharge to remain within the premises of the police station. True copy of the news report in New Indian Express dated 03.07.2020 is annexed herewith as **ANNEXURE P-2. [PAGE NO.**

11. That on 05.07.2020, the Petitioner no. 1 was suspended by informing him that he is involved as an accused in FIR No. 192 of 2020. However, the copy of the suspension letter is not available with Petitioner no. 2. True translated copy of the suspension order dated 05.07.2020 is annexed herewith as **ANNEXURE P-3. [PAGE NO.**

12. That on 08.07.2020, it is stated that Petitioner no. 1 was arrested in connection with FIR No. 192 of 2020 alleging

therein that Petitioner no. 1 had informed the accused persons about the police raid to arrest the accused persons. However, it is stated that Petitioner no. 1 was directed by his Incharge namely Vinay Tiwari to remain at the police station and told him in the night that he is going in a team for the arrest of some criminal as per the instructions to him on phone with further instructions to conduct a cross checking at GT crossing road. It is further stated that the contents of the alleged General Diary Details itself is a proof and speaks volumes of the lies of the arresting person of Petitioner no. 1 showing that he was trying to run away whereas it is matter of record that Petitioner no. 1 was living in the quarters situated within the premise of the police station. True translated copy of the GeneralDiary Details dated 08.07.2020 is annexed herewith as **ANNEXURE P-4.[PAGE NO.**

13. That as per the news reports, on 08.07.2020, the Special Task Force constituted to search and arrest the accused persons in the present FIR arrested one Amar Dubey who has been allegedly killed in an encounter allegedly while escaping from the custody of the arresting team. Thus, the death of the accused namely Amar Dubey shown in an

encounter in Maudaha, District Hamirpur, Uttar Pradesh are the suspicious circumstances. True copy of the news report in The Times of India dated 08.07.2020 is annexed herewith as **ANNEXURE P-5. [PAGE NO.**

14. That on 09.07.2020, as per the news reports, the SIT, CBCID, STF and other investigative agencies in which arrested two other accused persons in the above FIR, namely Prabhat Mishra and Ranbir Shukla alias Bauva Shukla, who were allegedly escaping the custody of the police teams after being arrested in Faridabad, Haryana. Thus, the death of the accused namely Prabhat Mishra and Ranbir Shukla alias Bauva Shukla shown in an encounter in Faridabad, Haryana are the suspicious circumstances.
15. That on 09.07/10.07.2020, another accused namely Vikas Dubey was arrested in Ujjain, Madhya Pradesh by the police department of State of Madhya Pradesh and thereafter, the above investigative teams of Respondent no. 2 took custody of Vikas Dubey. It is stated that on 10.07.2020, while the accused Vikas Dubey was being brought to Kanpur, Uttar Pradesh, in the custody of the SIT, CBCID, STF and the police teams of Respondent no. 2, Vikas Dubey was trying to escape from the police

custody and alleged to have been encountered under suspicious circumstances by the STF, CBCID, SIT and the other police teams of Respondent no. 2. It is thus submitted that the alleged killing of the accused person in the above FIR, namely Vikas Dubey who was allegedly escaping the custody of the police teams in Kanpur, Uttar Pradesh. Thus, the death of the accused namely Vikas Dubey shown in an encounter in Kanpur, Uttar Pradesh are the suspicious circumstances. True copy of the news report in TheHindu dated 10.07.2020 is annexed herewith as **ANNEXURE P-6. [PAGE NO.**

16. That it is submitted that the extra judicial killings of the all of the above accused shows plentiful the conduct and modus operandi of the all the investigative agencies responsible for investigation of the present FIR. It is clearly evident that the institutions tasked with the protection of law and order in the state have taken law into their own hands and have been killing the accused persons as soon as arresting such persons.
17. That it is submitted that a similar case is pending before this Hon'ble Court, being W.P. (CrI.) No.118 of 2018 wherein this Hon'ble Court is examining the encounters of

various persons by the different police departments of the State of Uttar Pradesh between the period of 2017 and 2018.

18. That thus the Petitioners are filing the present writ petition seeking protection of their life guaranteed under Article 21 of the Constitution and also seeking transfer of the investigation in FIR no. 192 of 2020 dated 03.07.2020 by Respondent no. 4 or an independent investigative agency/team constituted by Respondent no. 1 in this regard.
19. That it is submitted that Petitioner no. 1 is ready and willing to cooperate with the investigation however, Petitioner no. 1 is praying before this Hon'ble Court that a direction be issued to the Respondents directing that any/all interrogation required from Petitioner no. 1 shall take place from Mati Jail, Kanpur Dehat, where Petitioner no. 1 is presently lodged.
20. That under the above facts and circumstances, the above Petitioner is praying before this Hon'ble Court to issue a writ, order or direction in the nature of Certiorari on the following amongst other:-

GROUNDS

- A. BECAUSE the Petitioner no. 1, being a Sub-Inspector in the employment of the State of Uttar Pradesh, Respondent no. 2 herein, is apprehending danger to his life and liberty in lieu of the extra-judicial killing of one Vikas Dubey and other alleged accused persons after being arrested by numerous teams of police of State of U.P. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.
- B. BECAUSE Petitioner no. 1, even though being a part and parcel of the police department, is apprehending danger to his life and liberty due to the fact that as per the news reports, the accused persons, namely Vikas Dubey, Prabhat Mishra, Ranbir Shukla alias Bauva Shukla, Amar Dubey, Prem Prakash Pandey and Atul Dubey have died under suspicious circumstances, while in custody of the police, also being accompanied by numerous police teams of State of Uttar Pradesh, Respondent no. 2 herein as well as being in the custody of the various SIT officials deputed to arrest the alleged accused persons. Thus, the Petitioners are

seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.

- C. BECAUSE Petitioner no. 1 and other police personnel belonging to the police department of State of Uttar Pradesh, although having not being named in the FIR No. 192 of 2020 dated 03.07.2020 registered at P.S. Chaubeypur, have been arrested in connection with the said FIR. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.
- D. BECAUSE the Petitioners are of the firm view that the investigation would not be conducted in a lawful, fair, reasonable and transparent manner since the offences include the alleged killing of eight police personnel belonging to the department of Petitioner no. 1. It is further submitted that the extra judicial killings/encounters of other accused in the present FIR shows volumes of the conduct of the police department of State of Uttar Pradesh. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.

- E. BECAUSE the killing/encounters of the accused persons by the investigative agencies appointed by Respondent no. 2 is nothing less than commission of heinous crimes by the agencies who are vested with the responsibility of being the custodians of the law. Therefore, it is submitted that muscularity cannot be usurp constitutionality. It is submitted that the rule of law is supreme in the country and every accused has a right to fair trial guaranteed under Article 21 of the Constitution. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.
- F. BECAUSE the apprehension of the Petitioners of institutional bias in the present matter is apparent on the face of the record of the case as the Petitioner no. 1 is being investigated by the police department of the State of U.P. for the alleged offences committed against the officers of the police department of the State of U.P. Thus, it is manifestly clear that Petitioner no. 1 will be given a fair, independent, impartial and lawful investigation into the alleged offences. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.

- G. BECAUSE this Hon'ble Court has held in M.P. Special Police Establishment vs. State of M.P. &Ors. (2004) 8 SCC 788 and Lalit Kumar Modi vs. Board of Control for Cricket in India &Ors. (2011) 10 SCC 106 that where there are reasons to believe that there exists possibility of actual bias in any investigation or proceeding, the same would lead to automatic disqualification of the decision maker. Therefore, it is imperative that the present investigation be conducted/transferred to an independent agency. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.
- H. BECAUSE the reasons and facts governing the deaths of the accused persons in the present FIR while being in custody of the investigative agencies manifestly proves the fact that the life of Petitioner no. 1 is also not safe who is presently lodged in Mati Jail in Kanpur Dehat. Therefore, it is prayed that a direction may be given to the Respondents to conduct any/all interrogation of Petitioner no. 1 from Mati Jail in Kanpur Dehat. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.

- I. BECAUSE the actions and conduct of Respondent no. 2 and its agencies have proven that no accused is safe even in their custody and such incident of extra judicial killings of the accused persons have eroded the confidence of the accused as well as the general public from the rule of law and the principles enshrined in the Constitution. Thus, the Petitioners are seeking protection of their fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution.
- J. For that the Petitioners would take and raise any other ground which becomes available to him at any subsequent stage including at the time of hearing of the above petition.

PRAYER

So, in the above facts and circumstances, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to –

- i. constitute a Special Investigation Team to investigate FIR no. 192 of 2020 dated 03.07.2020 registered at P.S. Chaubeypur or transfer the investigation in FIR no. 192 of 2020 dated 03.07.2020 registered at P.S. Chaubeypur to Respondent no. 4 herein; AND/OR

- ii. issue a writ of Mandamus or any other appropriate writ, order or direction thereby directing the Respondents to give protection to the Petitioners for their life and liberty guaranteed under the Constitution and to conduct any/all interrogation of Petitioner no. 1 from Mati Jail, Kanpur Dehat, State of Uttar Pradesh, where Petitioner no. 1 is presently lodged; AND/OR
- iii. issue a writ of Mandamus or any other appropriate writ, order or direction in the nature of Mandamus directing Respondent no. 1 to constitute a Special Investigation Team to investigate the FIR no. 192 of 2020 dated 03.07.2020 registered at P.S. Chaubeypur under the aegis of this Hon'ble Court;
- iv. to pass such further order/orders as deems fit and proper.

AND FOR THIS ACT OF KINDNESS, YOUR ABOVE- NAMED PETITIONER SHALL EVERY PRAY AND DUTY BOUND.

Drawn By:-

Ashwani Kumar Dubey and Kshitij Mudgal,

Advocates

Filed by-

(ASHWANI KUMAR DUBEY)
Advocate for the Petitioners

Settled by:-
Mr. Ashok Kumar Sharma, Senior Advocate

Place: New Delhi
Filed on: 12.07.2020

IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY ORIGINAL JURISDICTION

CrI.M.P. No. _____ of 2020

IN

WRIT PETITION (CRL.) No. _____ of 2020

IN THE MATTER OF:

Krishn Kumar Sharma & Anr. ...Petitioner

Versus

Union of India & Ors. ...Respondents

AN APPLICATION FOR DIRECTIONS

To,

The Hon'ble Chief Justice of India and his other Hon'ble
Companion justices of the Hon'ble Supreme Court of
India.

The above petition of the above -named petitioners

MOST RESPECTFULLY SHOWETH:-

1. That the present writ petition is being filed by the Petitioners for issuance of a writ of Mandamus or any other appropriate writ, direction or order in the nature of Mandamus to the Respondents for the protection of the lives of the Petitioners namely Mr. Krishan Kumar Sharma through his next friend (wife) namely Ms. Vinita Sirohi, Petitioner no. 2, wife of Mr. Krishan Kumar Sharma, and for protection of their rights guaranteed under Article 14, 19 and 21 of the Constitution of India.

2. That the Petitioners crave leave to refer and rely upon the contents of accompanying Writ Petition as part of this application.

3. That the Petitioners have a very good case to succeed finally in the above writ petition. The balance of convenience is very much in favour of the Petitioners and if the interim relief as prayed for by the Petitioners is not granted, the Petitioners would suffer irreparable loss.

PRAYER

So, in the above facts and circumstances, it is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to –

- a. direct Respondent no. 2 not to take the Petitioner no. 1 for any interrogation outside the jail, namely Mati Jail, Kanpur Dehat, where the Petitioner no. 1 is presently lodged till further orders in the present writ petition;
- b. to pass such further order/orders as deems fit and proper.

AND FOR THIS ACT OF KINDNESS, YOUR ABOVE- NAMED PETITIONER SHALL EVERY PRAY AND DUTY BOUND.

Filed by-

(ASHWANI KUMAR DUBEY)
Advocate for the Petitioners

Place: New Delhi

Filed on: 12.07.2020