

**Court No. - 2**

**Case :-** MISC. BENCH No. - 2877 of 2007

**Petitioner :-** Dr. Ashok Nigam

**Respondent :-** State Of U.P. Thru Chief Secy. & 4 Ors.

**Counsel for Petitioner :-** Neerav Chitravanshi

**Counsel for Respondent :-** C.Sc..

**Hon'ble Munishwar Nath Bhandari,J.**

**Hon'ble Virendra Kumar Srivastava,J.**

Learned Standing Counsel appearing for the State submits that earlier a Commission of a retired judge was appointed to inquire the police action but Commission did not submit a report rather recommended to close the case as according to it, things get pacified with efflux of time.

We are not making observation on the recommendation of the Commission as otherwise it was nominated to submit a report and not to make it infructuous with efflux of time. It is more so in a case where the allegations are of merciless beating of the lawyers by the police in a peaceful agitation. The issue raised in the writ petition cannot be closed in the manner it has been suggested but needs to be taken to a logical conclusion. It is not only to maintain discipline in the administration and police personnel, who acted mercilessly resulting in multiple fractures to many advocates apart from serious injuries

Learned counsel for the petitioner submits that Commission could not complete inquiry as necessary infrastructure and facilities were not provided by the State Government. If that is so, then it is unfortunate.

The observation made above may not be taken as final because the intention of the Court is to have a proper report through the Commission and not to recommend its closure only for the reason that some time lapsed in between. The purpose of constitution of the Commission was not to make it infructuous but to give its report on the incidence for which it was constituted.

Let necessary instructions be taken from the State Government for fresh constitution of Commission and otherwise it should not be taken adverse to the Government because good administration, either in the police or otherwise is required. It is to help the Government because blame of misdoing of some police personnel come heavily on the Government though they keep no such intention or direct the police personnel to take law in their hands.

The effort of the Government is always to run a clean administration and facilitate everyone.

Let there be a proper inquiry followed by a report so that the Government may take proper decision in the matter thereupon.

Let this matter be listed on **05.01.2021** to seek instructions for fresh constitution of Commission and a report thereupon.

**Order Date :- 5.11.2020**

Nirmal\_Sinha