

ITEM NO.9

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION(CRIMINAL)Diary No(s).36441/2018

ABHIJIT IYER MITRA

Petitioner(s)

VERSUS

THE STATE OF ODISHA & ORS.

Respondent(s)

Date : 27-09-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.V.Shekhar, Sr.Adv.
Mr.M.R.Venkatesh, Adv.
Mr.Yatinder Chaudhary, Adv.
Mr.Nikhil Mehra, Adv.
Ms. Manjeet Kirpal, AOR

For Respondent(s) Mr.Sibo Sankar Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr.V.Shekhar, learned senior counsel for the petitioner. We have been apprised by Mr.Shekhar that he has been compelled to file this writ petition as the petitioner's liberty is affected and he is not able to move the High Court of Orissa as the Bar Association is on strike. At this juncture, we asked Mr.Sibo Sankar Mishra, learned counsel appearing for the State of Orissa and we have been apprised that it is because of some kind of criminal case, which is pending against certain police officials there is a rift between the police and members of the Bar.

Keeping the aforesaid in view, we direct the Director General of Police, Orissa to transfer the investigation to the

Inspector General of Police (Crime Branch) who shall himself investigate with the assistance of Superintendent of Police. However, the entire investigation shall be within the charge of the Inspector General of Police and we are sure, he shall conduct the investigation with all sincerity, concern and objectivity. As we are passing this order, we would restrain the Orissa High Court Bar Association and other connected Associations from going on strike and to resume the Court work so that no impediment is caused in the right of access to justice of any litigant and likes of the petitioner can file appropriate application before the High Court to protect their liberty and agitate their grievances.

Let a copy of this order be sent to the Registrar General of the Orissa High Court, who in turn, shall send it to the President, Vice-President, Secretary and others members of the executive body of the Orissa High Court Bar Association and other Bar Associations. The same shall be done with immediacy by the Registry of this Court.

The interim order passed by the Chief Metropolitan Magistrate, Saket shall remain in force till 05.10.2018 to facilitate the petitioner to move the High Court of Orissa. If the petitioner seeks any kind of police assistance for the purpose of security, the same shall be duly considered by the concerned Inspector General of Police.

The writ petition is accordingly disposed of.

(Chetan Kumar)

AR-cum-PS

(NB: Copy of the order be given dasti to both the parties)

(H.S.Parasher)

Assistant Registrar