

**IN THE SUPREME COURT OF INDIA**  
**[CRIMINAL ORIGINAL JURISDICTION]**  
**WRIT PETITION (CRIMINAL) NO.      OF 2020**

**IN THE MATTER OF:**

Ghanshyam Upadhyay	.... Petitioner
Vs.	
State of Uttar Pradesh & Ors.	.... Respondents

**With**

**I.A. No.              of 2020**

An application for exemption from filing attested  
affidavit of the Petitioner

**PAPER BOOK**

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THE PETITIONER IN PERSON: GHANSHYAM UPADHYAY

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## PROFORMA FOR FIRST LISTING

### SECTION - PIL

**The case pertains to** (Please tick/check the correct box):

- Central Act : (Title) Civil, Constitution of India
- Section: Article 226 of the Constitution of India Central
- Rule: (Title) NA
- 
- Rule No (s): NA
- State Act: (Title) NA
- 
- Section : (Title) NA
- 
- State Rule : (Title) NA
- Rule No.(s) : NA
- Impugned Interim Order : (Date) NA
- 
- Impugned Final Order/Decree : (Date) NA
- 
- High Court : (Name) NA
- 
- Names of Judges : NA
- Tribunal/Authority : (Name) NA
- 

1. Nature of Matter                      Civi                      Criminal  
       :     14
- 2.(a) Petitioner/appellant No. : Ghanshyam Upadhyay  
       (b) e-mail ID: NA  
       (c) Mobile Phone Number: NA
3. (a) Respondent No. : State of Maharashtra & Ors.

(b) e-mail ID: NA

(c) Mobile Phone Number: NA

4. (a) Main category classification: 06

(b) Sub classification: 0607

5. Not to be listed before: NA

6. Similar/Pending Matter: No similar matter pending

7. Criminal Matters: NA

(a) Whether accused/convict has surrendered:  Yes

No

(b) FIR No. NA Date: NA

(c) Police Station: NA

(d) Sentence Awarded: NA

(e) Sentence Undergone : NA

8. Land Acquisition Matters: NA

(a) Date of section 4 notification: NA

(b) Date of section 6 notification : NA

(c) Date of section 17 notification: NA  
6

9. Tax Matters: State the tax effect: NA

10. Special Category (first petitioner/appellant only): NA

Senior Citizen –  SC/ST  Woman/child  
NA

Disabled

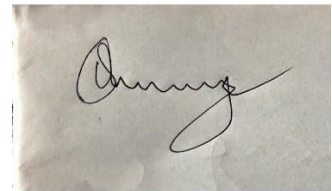
Legal Aid case

In custody

**A-1**

11. Vehicle Number (in case of Motor Accident Claim matters): NA

12. Decided cases with citation: NA

A photograph of a handwritten signature in black ink on a light-colored piece of paper. The signature is cursive and appears to read 'Ghanshyam Upadhyay'. There is a small vertical stamp or mark on the right side of the paper.

Date :- 09.07.2020

(GHANSHYAM UPADHYAY)

The Petitioner in person  
lawjuris@hotmail.com



**SYNOPSIS/LIST OF DATES**

The present writ petition under Article 32 of the Constitution of India is being filed in this Hon'ble Court inter alia seeking issuance of a writ of mandamus and/or any other appropriate writ, order and/or direction

in the nature of mandamus thereby directing the Respondent No.1 to conduct a thorough investigation in killing/alleged encounter of four accused who along with co-accused Vikas Dubey were alleged to be involved in killing of eight policemen in district Kanpur on 02.07.2020 which is now known as Kanpur Kand and which has rocked and shocked the entire nation. The petitioner prays that the matter be investigated by CBI under the supervision of this Hon'ble Court and the investigation is ministered by his Hon'ble Court and thereafter strict action is taken against policemen and all those who are involved in killing of the said four accused by taking law in to their hands.

The facts giving rise to the filing of the present petition in this Hon'ble Court is that from the media reports, it is found that on 2<sup>nd</sup> July, 2020 while police party were proceeding to arrest accused Vikas Dubey at his residence, he along with his associates killed eight policemen and thereafter all the accused managed their escape. After incident coming to light, enter administration came in to action and even the Chief Minister of the state exhorted that sacrifice of policemen will not go in vain and none of the culprits shall be spared of. From media report, it has been revealed that the administration thereafter while launched a hunt to trace out/arrest the Vikas Dubey and co-accused involved in the incident, however, the administration/police machinery resorted to completely pull down/demolish the building/house, shopping mall etc. of Vikas Dubey

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with the help of bulldozer/JCB machines, crushing cars/vehicle etc. of Vikas Dubey and this action of the police administration is totally unknown to law and on the contrary this kind of act on the part of administration/police demonstrate complete lawlessness and 'jungle raj' of 'police raj' and by no angle this kind of action on the part of the administration/police is justified and permissible.

In a nutshell, from media reports, it is further revealed that during hunt of Vikas Dubey and co-accused, five accused were arrested/caught and then killed by the police in the name of encounter. From media report it is further revealed that the accused Vikas Dubey has been arrested at Ujjain in the State of Madhya Pradesh by M. P. Police, while he had gone to have 'darshan' of Mahakal and consequently, U. P Police has gone to Madhya Pradesh to seek his custody. There have been hot debates on various news channels of the country on the issue of escape of Vikas Dubey from Uttar Pradesh and he being found and in fact, he himself having revealed his identity to the security guard of Mahakal temple and thereby getting himself arrested by Madhya Pradesh Police and in the process, debates on news channels have indicated/suggested that Vikas Dubey got himself arrested by Madhya Pradesh Police to avoid his encounter by Uttar Pradesh Police. Thus, there is every

possibility that even accused Vikas Dubey Shall be killed by Uttar Pradesh Police like other co-accused once his custody is obtained by Uttar Pradesh Police. Since, killing of the accused by the police in the name of encounter even in howsoever heinous crime is against the rule of law and serious violation of human right and this is nothing sort of Talibanisation of the country and hence the instant petition.

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL ORIGINAL JURISDICTION**

**WRIT PETITION (CRIMINAL) NO.      OF 2020 (PETITION  
UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA  
R/W. ORDER XXXVIII OF THE SUPREME COURT RULES,  
2013).**

**IN THE MATTER OF:-**

Ghanshyam Upadhyay,

aged 50 years, Indian  
Inhabitant, Occupation-  
Advocate, having his office at  
506, Arcadia Premises, 195,  
NCPA Road, Nariman Point,  
Mumbai- 400 021  
(Maharashtra).

Petitioner

-Versus-

1. State of Uttar Pradesh, ]  
through Ministry of Home Affairs , ]  
Lucknow, U.P. 104 ]
2. Superintendent of Police,  
Kanpur, U. P. ]
3. The Senior Inspector of Police,

Chaubeypur Police Station, Kanpur

Uttar Pradesh. ]

4. Central Bureau of Investigation  
having their office at Kanpur

...Respondents

**WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA SEEKING INVESTIGATION  
IN KILLING/ENCOUNTER OF FOUR ACCUSED BY  
UTTAR PRADESH POLICE WHO WERE ALLEGED TO  
BE INVOLVED IN KILLING OF EIGHT POLICEMEN ON  
02.07.2020 AT KANPUR, STATE OF UTTAR PRADESH.**

**TO,  
THE HON'BLE THE CHIEF JUSTICE  
OF INDIA AND HIS COMPANION JUSTICES OF  
THE HON'BLE SUPREME COURT OF INDIA;**

**HUMBLE PETITION OF THE PETITIONER ABOVENAMED;**

**MOST RESPECTFULLY SHEWETH;**

1. The Petitioner is a citizen of India and domiciled in the State of Maharashtra.

The Petitioner enjoys all the rights and privileges as enshrined and embodied under the Constitution of India. The Petitioner is a practicing advocate of the

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Hon'ble High Court of Bombay and so also of the Hon'ble Supreme Court of

India and has been duly enrolled with the Bar Council of Maharashtra and Goa.

While the Respondent No.1 is the State of Uttar Pradesh , the Respondent No. 2 is the Superintendent of Police, Kanpur, the Respondent No.3 is the Senior Inspector of Police, Chaubepur Police Station, Kanpur and whereas the Respondent No.4 is the Central Bureau of Investigation. All the Respondents being 'State' within the meaning of Article 12 of Constitution of India, are amenable to the writ jurisdiction of this Hon'ble Court.

**2. DECLARATION ORDER XXXVIII RULE 12(2) OF SCR, 2013.**

- i. Name of the Petitioner : Ghanshyam Upadhyay, aged 50 years, Indian Inhabitant, Occupation Advocate, having his office at 506, Arcadia Premises, 195, NCPA Road, Nariman Point, Mumbai- 400 021(Maharashtra),  
Email : [lawjuris@hotmail.com](mailto:lawjuris@hotmail.com) Mobile: 9869240921,  
PAN: AAKPU0157C
- ii. The cause of action of the present public interest litigation relate to the extremely high handed and inhuman acts of police of completely<sup>106</sup> demolishing/pulling down the residential house/building and shopping mall of the accused and crushing the same in to dust/ashes along with

all the articles lying therein and killing of five accused under the guise of encounter, who were alleged to be involved in killing of eight policemen on 02.07.2020 at District Kanpur, State of Uttar Pradesh.

- iii. There is no pending litigation between the Petitioner and the Respondents on the subject matter of the present petition.
- iv. In view of the restrictions on the movement of lawyers and ordinary citizen, the avenue to approach the Respondents on the subject matter has been diminished.

2A. The Petitioner by filing the present petition seeks to invoke the powers vested with this Hon'ble Court under Article 32 of the Constitution of India and inter alia prays for issuance of writ of mandamus and/or any other appropriate writ, order and/or direction in the nature of mandamus, thereby directing the Respondent No. 1 to forthwith register an FIR in the indent of pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclaim machines



and further killing of five co-accused, who were alleged to be involved in killing of eight policemen and giving the said killing colour of encounter and then handover the investigation thereof to the respondent No.4 and they be directed to investigate the same in time-bound programme and the investigation be monitored by this Hon'ble Court.

3. In view of the law laid down by the Hon'ble Apex Court in the matter of *Manoharlal Vs. Vinesh Anand*, the Petitioner has locus-standi to institute and maintain the instant petition in this Hon'ble Court. At this stage, it is appropriate to reproduce the observations of the Hon'ble Apex Court in the matter of Manoharlal (supra) on the issue of locus-standi which reads as under:-

*"Before adverting to the matter in issue and the rival contentions advanced one redeeming feature ought to be noticed here pertain to Criminal jurisprudence: To pursue an offender in the event of commission of an offence, is to sub-serve a social need. Society cannot afford to have a criminal escape his liability, since that would bring about a state of social pollution, which is neither desired, nor warranted and this is irrespective of the concept of locus. The doctrine of locus standi is totally foreign to criminal jurisprudence. This observation of ours however obtains support from the decision of this Court in *A.R. Antulay Vs. Ramdas Srinivas Nayak & Anr.*- 1984 (2) SCC 500."*

4. It is not necessary to burden the present petition with several other details leading to filing of the same in this Hon'ble Court, suffice it to say that from the media reports, it is discernible that while a police party had gone to arrest accused Vikas Dubey in District Kanpur of the State of Uttar Pradesh, eight policemen are alleged to have been gunned

down/killed by Vikas Dubey and his associates and thereafter, the accused managed their escape from the scene of crime. The incident rocked and shocked the entire nation and ever since the same has been subject matter of hot debate in all over the country and all the leading news channels of the country have been carrying the said news and further development of the case and as a matter of fact, many leading news channels have relatedly conducted programme on their channel on the incident.

5. After the incident, entire administration of U. P. Government came in to action and even the Chief Minister of the State made statement by exhorting that the sacrifice of policemen will not go in vain and none of the culprits shall be spared off/let off. Consequently, State administration and police machinery resorted to completely pull down/demolish the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclaim machines and this action of the administration/police which is totally unknown to law were <sup>109</sup>shown/telecast live on the leading news channels of the country and the petitioner who is a practising advocate is equally socked on the this kind of highhanded and extremely illegal

action of the administration, as he is shocked on the main incident i.e. killing of policemen.

6. From media report, the petitioner came to know that in the hunt by the police, five co-accused by name Amar Dubey, Ranmbeer @Bauwan Dubey, Prem Praksah Pnadey, Atul Dubey and Prabhat Mishra came too arrested between the period from the date of incident till 09.07.2020 and they have been killed by police in the name of encounter. This kind of killing of the accused of howsoever heinous crime, by the police/law enforcing agency/state, who are the custodian of the rule of law is not only extremely illegal, inhuman, but also it is shocking to the conscience of the court and is nothing but Talibanisation of the country, which cannot be countenanced at all.
7. Media report has revealed that the accused Vikas Dubey had managed his escape from the territory of U. P. and he visited/reached Mahakal temple at Ujjain in the state of Madhya Pradesh for having darshan of Lord Mahakal and in the process, he himself revealed his identity to the security guard of the Mahakal<sup>110</sup> temple who in turn informed the local police and consequently, Vikas Dubey came to be arrested by Madhya Pradesh Police. It has been further revealed from media report that after coming to know about arrest of Vikas Dubey by Madhya Pradesh

Police, a team of Uttar Pradesh Police has left for Madhya Pradesh to seek custody of the accused Vikas Dubey. There have been hot debates/ programs on leading news channel of the country whereby it is indicated/suggested that the accused Vikas Dubey knowingly disclosed his identity to the security guard of Mahakal Temple so that he is arrested by Madhaya Pradesh Police from Mahahkal temple in the presence of people and thereby he is saved from being killed by Uttar Pradesh Police or even by M.P. Police in the name of encounter. In view of the extremely high handed and illegal action of Uttar Pradesh Government/ Police so carried out inasmuch as completely pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclain machines, killing of the four accused after their arrest in the name of encounter, there is every possibility of even accused Vikas Dubey being killed by Uttar Pradesh Police after his custody being obtained by them from M.P. police and then concoct a story of encounter and hence, the present petition has been necessitated, as the killing of the accused by police<sup>111</sup> and then giving the same colour of encounter is extremely inhuman and against the very rule of law and orderly society and is nothing sort of Talibanisation of the country and the same under no circumstances, can be countenanced.

8. Acts of Uttar Pradesh Police/Administration of pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclaim machines and further killing of five co-accused, who were alleged to be involved in killing of eight policemen and giving the said killing colour of encounter are not only highly illegal and impermissible in law but the same is shocking to the conscience of the court and is nothing sort of Talibanisation of the country. Though it cannot be denied the act of the accused of killing eight policemen is extremely heinous crime, yet the accused were/are required to be dealt with in accordance of law and in the process, upon their guilt being proved after full-fledged trial, they could have been convicted even for death sentence, however, under no circumstance, law enforcing agencies were/ are having right to completely pull down/demolish the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclaim machines and kill

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five accused in the name of encounter. Punishing the accused/culprit after his crime being proved, is the function of the competent court of law and thus, police cannot usurp jurisdiction to itself to punish the

accused by killing him in the name of encounter before his crime being proved in accordance with law.

9. The aforesaid acts of Uttar Pradesh Police/Administration is equally heinous and sinful which is that of the accused Vikas Dubey and his associates and therefore, guilty policemen and officers in administration need to dealt with more heavily hands than the accused, as they being custodian of rule of law, cannot be permitted to take the law in to their hands and become law unto themselves. Concerned policemen/officials involved in pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclaim machines and further killing of five co-accused, who were alleged to be involved in killing of eight policemen and giving the said killing colour of encounter, have rendered themselves as offenders and that being the case, FIR needs to be registered against them under applicable provisions of law which include section 302 r/w 120B of IPC and since policemen including higher police authority and even minister/officials from home department of U. P. Government prima-facie appear to be involved in the case of pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable

properties with the help of bulldozer, JCB, Proclaim machines and further killing of five co-accused, who were alleged to be involved in killing of eight policemen and giving the said killing colour of encounter, it is not only desirable but also necessary in the interest of justice that the investigation of the case is transferred to the respondent No.4 and the same is monitored by this Hon'ble Court.

10. In a democratic country like ours, which is governed by the rule of law, even the persons/criminal like Afzal Guru, Azmal Kasab, people involved in Bombay Bomb Blast case which took place in the year 1993, Bombay Train Blast Case etc. wherein large number of completely innocent people lost their lives and properties, were dealt with in accordance with law and in the process, they were given complete opportunity to defend themselves not only during trial but also in appeal up to this Hon'ble Court. The alleged crime committed by accused Vikas Dubey and his alleged associates, who have been killed by police under the guise of encounter, cannot be said to be more serious than that of Afzal Guru, Azamal Kasab, people involved in Bombay Bomb Blast case which took place in the year 1993, Bombay Train Blast Case etc.

11. Time has come when this Hon'ble Court being ultimate custodian of law and Constitution, under which the country needs to be ruled/governed, needs to take serious view of the matter or else, a time will come when there will be only police raj in this country, which cannot be countenanced. Emergence of people like Vikas Dubey is glaring example of corruption in police department and law enforcing machineries. As per media report, Vikas Dubey has 60 criminal cases to his credit which includes murder, extortion etc. and one of such case is that of killing of officer-in-charge of a police station in the police station itself and that too, in the presence of policemen, however, yet he succeeded in securing bail for want of sufficient evidence and this happened merely because the concerned policemen involved in investigating the case against him did not carry out their duty honestly and in fact indulged in corruption. Vikas Dubey in fact proved to be 'Bhashmahur' for the police.
12. A new tendency which is now gaining ground in the rank and file of law enforcing agencies/police machineries of arresting the accused alleged to be involved in heinous crime and then killing the accused under the guise of encounter and then becoming movie cop 'Singham' needs to be nip in the bud at the earliest to save the country from becoming Taliban. The incident like killing of accused allegedly involved in rape and killing of Dr. Priyanka Reddy, by Hyderabad



Police under the guise of encounter and then no action being taken against those policemen and no enquiry being conducted in the said alleged encounter and instead, the concerned policemen being made hero and rewarded, appears to have become inspiration for the police machineries in the country and such tendency and inspiration is extremely dangerous for sustenance of an orderly and civilised society, the same needs to be eradicated forthwith and that being the case, this Hon'ble Court would be justified in taking cognisance of the matter and direct the Respondent No.1 to ensure that an FIR is forthwith registered in the incident of pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclaim machines and further killing of five co-accused, who were alleged to be involved in killing of eight policemen and giving the said killing colour of encounter and investigation of the case is forthwith handed over to the Respondent No.4 and furthermore, the investigation be monitored by this Hon'ble Court.

13. Media reports have revealed that accused Vikas Dubey has always been blessing of high profile politicians of all the political parties and this the reason that when Shri Adityanath Yogi after taking charge as

chief Minister of Uttar Pradesh initiated a movement of encountering/killing notorious gangsters/criminals whereunder many notorious gangsters/criminals were killed/encountered by police, however, Vikas Dubey on account of his connection with politicians even from BJP was saved/spared of. Vikas Dubey is also claimed to have deep connection with police department and he saved himself from the clutches of law due to his connection with high profile politicians and police officials. Completely pulling down the residential building/house and shopping mall of Vikas Dubey and thereby converting the same and articles lying therein in to dust/ashes and killing of the five accused appears to be with an aim to destroy the crucial evidence with regard to involvement of politicians and police officials in aiding and abetting Vikas Dubey and his associates in commissions crimes by them and their close association with them.

14. It is cardinal principle of criminal jurisprudence that every accused is presumed to be innocent, until his guilt is proved after full-fledged trial and therefore, killing of five accused by police under the assumption and presumption that they were involved in killing of eight policemen is nothing sort of coldblooded murder and that being the case erring policemen and all those who are involved in conspiracy of killing the aforesaid five accused and then giving them same colour of

encounter need to be brought to book and punished in accordance with law. This Hon'ble Court in the matter of *Joginder Kumar V/s. State of U.P.-1994 (4) 260* has observed that the quality of a nation's civilization can be largely measured by the methods it uses in enforcement of criminal law. Killing of five accused by the police/law enforcing agencies under the guise of encounter without there being any investigation as to whether they were really involved in commission of crime of killing eight policemen or otherwise, is a matter extremely grave concern and is slur of on civilisation our great nation and the same requires interference by this Hon'ble Court so that a clear and loud message is sent in the rank and file of law enforcing agencies/police/administration machineries that such kind of extremely high and inhuman action at their hands shall be dealt with iron hands by this Hon'ble Court and they will not be allowed to become law unto themselves.

15. Similarly, in view of the fact that the five accused who were alleged to be involved in killing of eight policemen, have been killed by Uttar Pradesh Police and from over all manner in which the administration/police machineries have acted so far against the accused, it is discernible that such killing of the five accused by police has taken place at the instances and behest of home ministry, there is every

possibility of even accused Vikas Dubey being killed by Uttar Pradesh Police either during transit from Madhya Pradesh to Uttar Pradesh or thereafter in the name of encounter and hence, it is not only desirable, but also necessary in the interest of justice and good conscience that the Respondent Nos. 1 to 3 are forthwith directed to keep the accused Vikas Dubey in their safe custody and deal with him in accordance with law and ensure that he is not killed/encountered and instead, he dealt with strictly in accordance with law and not otherwise.

16. While the petitioner has no sympathy with accused Vikas Dubey or his associates who allegedly killed eight policemen and in fact, the petitioner has sympathy with the family, wife and children of policemen who have been killed, however, at the same time, petitioner being practicing advocate for more than two decades is at great pain to see the complete lawlessness and extremely high handed action on the part of police machineries/administration and in the process, law enforcing agency becoming law unto themselves and rendering themselves as offenders. The<sub>119</sub> petitioner being a citizen of India is extremely disturbed and anguished on account of growing tendency of police machineries in the country of doing instant justice by killing the accused allegedly involved in commission of serious crime on just their

assumption presumption that the accused had committed the crime. The petitioner being an alert citizen of the country is interested to see that rule of law is preserved and no one howsoever powerful is permitted to take law in to his hands. It is the duty of the petitioner as a citizen of India and as an Advocate, to ensure that killing of five accused by police under the guise of encounter which on the face of it appears to be fake, is investigated by an independent investigating agency like CBI under the supervision and control of this Hon'ble Court and guilty policemen and all other persons involved in heinous crime of committing coldblooded murder of five accused under the guise of encounter, are brought to book so that the rule of prevails.

17. The Petitioner states that on account of there being extreme urgency in the matter, he has filed the present petition hurriedly and thus, it is quite possible that certain important aspects might have been missed out and hence, the Petitioner craves leave of this Hon'ble Court to add, alter, amend, delete and/or rescind any of the averments and/or submissions<sup>120</sup> mentioned hereinabove, as and when such need arises.

18. The Petitioner states and submits that he has not filed any other petition either in this Hon'ble Court or in any other court/s of India. Touching the subject matter of the present petition.

### **PRAYERS**

Under the circumstances, the petitioner therefore, most humbly prays:-

- a) that this Hon'ble Court may be pleased to issue writ of Mandamus and/or any other appropriate writ, order and/or direction in the nature of Mandamus thereby directing the Respondent Nos. 1, 2 and 3 to forthwith register an FIR in the incident of pulling down/demolishing the residential building, shopping mall of accused Vikas Dubey and so all his expensive cars/vehicles and various other movable/immovable properties with the help of bulldozer, JCB, Proclain machines and further killing of five co-accused, who were alleged to be involved in killing of eight policemen and giving the said killing colour of encounter and then forthwith transfer the investigation thereof to the

Respondent No.4 and the investigation of the case by the Respondent No.4 be monitored by this Hon'ble Court and the same be

b) directed to be carried out within some stipulated time and the Respondent No.4 be further directed to submit their periodical reports to this Hon'ble Court;

c) that this Hon'ble Court may be pleased to direct the respondent Nos. 1 to 3 safeguard the life of accused Vikas Dubey and ensure that he is not killed/encountered by police and complete security arrangement is made for his safe production in the concerned court from time to time and he is dealt with in accordance with law;

d) any other and further order and/or directions be given, as in the nature and circumstances of the case may require.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL BE DUTY-BOUND AND SHALL EVER PRAY.

Filed By:

GHANSHYAM UPADHYAY

(The Petitioner-in-person)

NEW DELHI;

FILED ON: .10.07.2020



**IN THE SUPREME COURT OF INDIA**  
**[CRIMINAL ORIGINAL JURISDICTION]**

**WRIT PETITION (CRIMINAL) NO.            OF 2020**

(Petition under Article 32 of the Constitution of India read with Order XXXVIII of the Supreme Court Rules, 2013)

**IN THE MATTER OF :**

Ghanshyam Upadhyay

...Petitioner

- Versus -

State of U. P. & Ors.

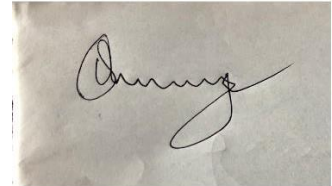
...Respondents

**AFFIDAVIT**

I, Ghanshyam Upadhyay, having my office at 506, Arcadia Premises, 195, NCPA Road, Nariman Point, Mumbai 400 021, do hereby solemnly affirm and state as under:

1. That I am the Petitioner in this case, and as such I am well acquainted with the facts of the case. Hence, I am competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Synopsis and List of Dates (Pgs. A to ..... ) and the contents of the Writ

Petition (Pgs. 1 to 20) and accompanying I.A.s. I say that the same are true and correct to my knowledge and best belief and nothing material has been concealed therefrom.

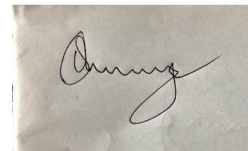
A photograph of a handwritten signature in black ink on a light-colored piece of paper. The signature is cursive and appears to be 'Anurag'. There is a small vertical stamp on the right side of the paper.

DEPONENT

### **VERIFICATION**

I above named deponent do hereby state that the content of the above Affidavit are true to my knowledge and best belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Mumbai on this 10<sup>th</sup> day of July, 2020

A photograph of a handwritten signature in black ink on a light-colored piece of paper. The signature is cursive and appears to be 'Anurag'. There is a small vertical stamp on the right side of the paper.

DEPONENT

**IN THE SUPREME COURT OF INDIA  
(CRIMINAL ORIGINAL JURISDICTION)**

**I.A. NO.                      OF 2020**

**IN**

**WRIT PETITION (CRL.) NO.    OF    2020**

**IN THE MATTER OF:**

Ghanshyam Upadhyay

.... Petitioner

Vs.

State of U. P. & Ors.

.... Respondent

**AN APPLICATION FOR EXEMPTION FROM FILING  
ATTESTED AFFIDAVIT OF THE PETITIONER**

**To,**

THE HON'BLE THE CHIEF JUSTICE OF INDIA AND  
HIS COMPANION JUSTICES OF THE SUPREME  
COURT OF INDIA.

THE HUMBLE PETITION ON BEHALF OF THE  
PETITIONERS ABOVE NAMED.

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioner is a citizen of India and domiciled in the State of Maharashtra. The Petitioner is a practicing advocate in the Hon'ble High Court, Bombay and the Hon'ble Supreme Court of India and has been duly enrolled with the Bar Council of Maharashtra and Goa, having registration No. MAH/5167/1999. While the Respondent No.1 is the State of Maharashtra, the Respondent No.2 is the Superintendent of Police, Kanpur, State of Uttar Pradesh, the Respondent No.3 is the officer-in-charge of Chaubeypur Police Station, Kanpur, State of Uttar Pradesh and the respondent No.4 is the Central Bureau of Investigation. The Respondents are 'State'

2. within the meaning of Article 12 of the Constitution of India and hence, all the Respondents are amenable to the writ jurisdiction of this Hon'ble Court.
3. That the Petitioner says that he has already explained all the fact and circumstances of this case in present Writ Petition and the same shall be read as part and parcel of this application.
4. That the Petitioner says that the above said matter has some urgency to be filed before this Hon'ble Court and due to COVID-19 LOCKDOWN situation, it is not possible to file notarized attested affidavit of the Petitioner in support of this petition hence the Petitioners may be exempted from filing affidavit accordingly.

### **PRAYER**

It is, therefore most respectfully prayed that this Hon'ble

Court may graciously be pleased to :

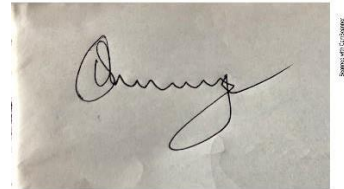
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- a) exempt the Petitioner from filing notarized attested affidavit of the Petitioner in support of this petition and order accordingly.
- b) pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the facts and

circumstances of the present case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS  
DUTY BOUND SHALL EVER PRAY.

FILED BY:

A photograph of a handwritten signature in black ink on a light-colored piece of paper. The signature is cursive and appears to read 'Ghanshaym'. There is a small vertical text on the right edge of the paper, likely a watermark or document ID.

PLACE: NEW DELHI FILED  
ON:- 10.07.2020

(GHANSHAYM  
UPADHYAY)  
THE PETITIONER IN PERSON

SETTLED BY:- THE PETITIOENR IN PERSON

**GHANSHYAM UPADHYAY****Offi:-**

506, Arcadia Premises,  
195, NCPA Road, Nariman  
Point, Mumbai- 400 021  
Mob. 9869240921  
(Email: lawjuris@hotmail.com)

To,

Dated: -10.07.2020

The Registrar,  
Supreme Court of  
India, New Delhi.

Sir,

**Sub:-** W.P. (CRL) No.        of 2020

Ghanshyam Upadhyay

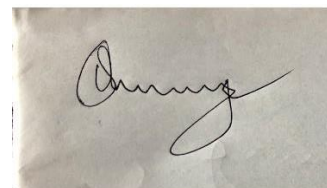
Vs.

State of U. P. &amp; Ors.

Due to COVID-19 LOCKDOWN, Petitioner is unable to attested affidavit, welfare fund, and required Court fees etc. The undersigned undertakes to complete all formalities as and when required by the Hon'ble Court or Lockdown is over hence the permit accordingly.

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Thanking you.



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Yours' sincerely

**(GHANSHYAM UPADHYAY)**

**The Petitioner in person**





