

ITEM NO.17 Court 1 (Video Conferencing) SECTION PIL-W

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(s)(Criminal) No(s). 177/2020

GHANSHYAM UPADHYAY

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 68207/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68208/2020 - EXEMPTION FROM FILING AFFIDAVIT)
WITH

W.P.(Cr1.) No. 178/2020 (PIL-W)

(ONLY FOR CLARIFICATION/DIRECTION ON IA 67940/2020
FOR EARLY HEARING APPLICATION ON IA 67943/2020
FOR EXEMPTION FROM PAYING COURT FEE ON IA 67947/2020)

Date : 28-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

Counsel for the parties

In WP(Cr1)No.177/20 Mr. Ghanshyam Upadhyay (In-person)

In WP(Cr1.)No.178/2020 Mr. Anoop Prakash Awasthi (In-Person)

Mr. Tushar Mehta, SG
Mr. Harish Salve, Sr. Adv.
Ms. Garima Prashad, AOR
Mr. Prashant Singh, Adv.
Mr. Shiv Nath Tilhari, Adv.

Ms. Aparna Bhat, AOR

Mr. Nishit Agrawal, Adv.
Mr. Harsh Mishra, Adv.

Applicant-in-Person

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

I.A. No. 68207 of 2020 in W.P.(CrI.)No. 177/2020 and I.A. No.67940 of 2020 in W.P. (CrI.)No. 178 of 2020

We have heard learned counsel for both sides and perused the instant applications for clarification/directions.

We are satisfied that the objection arises because of an incomplete reading and understanding of Mr. K.L. Gupta's statement, who is a former DGP, Uttar Pradesh, made to the Media. It is very clear that Mr. Gupta has in the same interview stated that "we should not be judgmental. This is not the end but a start". Thereafter, Mr. Gupta also stated the following:

"There is the NHRC (National Human Rights Commission). Magisterial probe of encounters are done, Magistrates are not under police. If there is something wrong, the magistrate can order an FIR. Policemen have gone to jail in the past in fake encounter cases', the former DGP said".

We are satisfied that these statements were made by him as an ordinary citizen. In our view, it cannot be assumed that Mr. Gupta has made up his mind one way or the other. We, therefore, see no merits in the instant applications which are accordingly, dismissed.

(MADHU BALA)
AR-CUM-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR