

\$~77

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 1542/2020 & CRL.M.A. 19839/2021 & 19840/2021**  
**COURT ON ITS OWN MOTION** ..... Petitioner  
Through: Court on its own motion.

versus

**UNION OF INDIA & ORS.** ..... Respondents  
Through: Mr.Chetan Sharma, Additional  
Solicitor General & Mr.Kirtiman  
Singh, CGSC for UOI with Mr.Amit  
Gupta, Mr.Rishav Dubey, Mr.Waize  
Ali Noor & Ms.Srirupa Naag, Advs.  
Ms.Nandita Rao, Additional Standing  
Counsel (CRL) for GNCTD with  
Mr.Amit Peswani, Adv..  
Mr. Rajat Aneja & Ms. Rajula, Advs.  
for R-3/Delhi High Court.

**CORAM:**  
**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**  
**20.04.2022**

%

1. This writ petition was registered on 06.10.2020, pursuant to the orders dated 10.09.2020 and 16.09.2020, passed by the Supreme Court in WP(C) 699 of 2016, titled *Ashwani Kumar Upadhyay v. Union of India*. This Court had directed the respondents to file an affidavit disclosing the steps taken by the respondents in compliance with the directions passed by the Supreme Court.
2. Pursuant to our order, Status Reports are being filed by the respondent no. 3, Registrar General of the High Court. The Status Report for the month of March 2020 states that four cases involving former and sitting MPs and

MLAs were disposed of by the learned Special Judges, while one case was disposed of by the learned ACMM.

3. Having considered the report, we direct the learned Special Courts and the learned ACMMs to give priority to the cases relating to the sitting and the former MPs/MLAs in the order as suggested by the learned Amicus Curiae before the Supreme Court, and recorded in the orders dated 10.09.2020 and 16.09.2020. Copies of the two orders be also circulated to the learned Special Courts and to the learned ACMMs, for ensuring compliance.

4. We further direct that the title of the present petition be converted to, ***In Re: Special Courts for MPs/MLAs v. Union of India & Ors.***

5. We further request Mr.Sandeep Sethi, Senior Advocate, to act as an Amicus Curiae to assist us in the present petition and suggest further measures that may be taken by this Court, not only to ensure compliance with the directions of the Supreme Court but also to achieve its objective of ensuring expeditious disposal of the cases against sitting and former MPs/MLAs.

6. We further direct that the learned Additional Solicitor General of India, Union of India; and the learned Standing Counsel (Criminal), GNCTD, to remain present on the dates of hearing of this petition so that any direction issued by us, is promptly executed by the State authorities.

7. We further direct the Commissioner of Police, Delhi, to nominate an officer of the rank of Deputy Commissioner of Police, who shall act as a Nodal Officer and shall appear before this Court on each date of hearing so as to furnish requisite information, as and when required, of the cases pending against the sitting and former MPs/MLAs before this Court as also

before the learned Trial Court(s).

8. The respondent no. 3 has also placed before us a list of cases pending before this Court that involves sitting/former MPs/MLAs. In some of these cases, we find that the next date of hearing is too far. This may have been as a result of the restricted functioning of this Court due to the COVID-19 pandemic. We, therefore, direct that all cases be listed before a Bench designated by the Acting Chief Justice on 27.04.2022 for further directions. The above-referred orders passed by the Supreme Court, and the present order be also brought to the notice of the Bench. The Bench is requested to list the matters for hearing. The Bench may examine the aspect of continuation/modification of stay, and make an endeavour to dispose of the matters as expeditiously as possible in terms of the aforesaid orders of the Supreme Court.

9. The respondent no. 3 shall also continue to file the monthly Status Report. The Status Report shall also include status of the cases pending before this court.

10. This order be communicated forthwith for compliance and information to all the above named persons/authorities, including electronically.

11. List for further direction on 2<sup>nd</sup> May, 2022.

**VIPIN SANGHI, ACJ**

**NAVIN CHAWLA, J**

**APRIL 20, 2022/Arya**