

Chief Justice's Court

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Case :- CRIMINAL WRIT-PUBLIC INTEREST LITIGATION No. - 30 of 2020

Petitioner :- In Re Suo Moto Cognizance Of The Police Atrocities Over An Advocate

Respondent :- State of U.P.

Counsel for Petitioner :- Suo Moto, Tripurari Pal

Hon'ble Govind Mathur, Chief Justice

Hon'ble Saurabh Shyam Shamsbery, J.

On going through the complete report given by the Chief Judicial Magistrate, Etah and the other material available on record, we are of the opinion that this petition for writ requires consideration on following issues:-

(i) Whether a police team is having any authority to use unlawful force while arresting a person who has been assigned for taking law in hands when police tried to arrest him?

(ii) Can the police be used as an agency to dispossess a person from possession of an immovable property or to restore possession of a property with a person on having a report with allegation of unlawful possession or unlawful dispossession of such person from such property?

(iii) Whether the administrative authorities including the police authorities are well within their rights to get a person evicted from the premises against whom a decree has been granted by a competent Court, without there being any order in execution proceedings by executing Court?

(iv) Whether the Advocates Act, 1961 extends any privilege to an advocate for being not taken any coercive action by the police against him, if he is in prescribed robes?

Let this petition for writ be listed on February 2nd, 2021.

Learned counsels for the rival parties shall address the Court on the issues referred above.

A request is made by learned counsels appearing in the matter for change of investigating agency. We are not inclined to grant any such relief as the victim or the persons aggrieved may avail appropriate remedy in this regard before the appropriate Court in appropriate proceedings.

The reports opened in the Court be kept in sealed cover.

Order Date :- 19.1.2021 / Rameez

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(Saurabh Shyam Shamsbery, J.) (Govind Mathur, C.J.)