

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 572 of 2023

Petitioner :- Moti Lal Yadav

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Home, Lucknow And 3 Others

Counsel for Petitioner :- In Person

Counsel for Respondent :- C.S.C.

Hon'ble Devendra Kumar Upadhyaya,J.

Hon'ble Jaspreet Singh,J.

(1) Heard Shri Moti Lal Yadav, the petitioner appearing in person and Sri Ajai Kumar Misra, learned Advocate General assisted by learned Chief Standing Counsel Sri Shailendra Singh and Sri Amitabh Rai, learned Additional Chief Standing Counsel representing the State-respondents.

(2) Proceedings of this writ petition have been instituted under Article 226 of the Constitution of India expressing concern about an incident of shooting claiming a human life, which happened only on 07.06.2023 in the Court premises of Lucknow Judgeship.

(3) The prayer made in the writ petition is that appropriate directions may be issued to the respondents to constitute a High Level Officers' Committee to be headed by a sitting or retired Judge of High Court to investigate the murder of one Sanjeev Maheshwari 'Jeeva', who was shot dead inside the Court premises of Lucknow Judgeship in the aforesaid incident. A further prayer made in the writ petition is to issue necessary directions to get the investigation of the said crime conducted by some independent agency like Central Bureau of Investigation.

(4) The reported incident, which occurred on 07.06.2023 within the Court premises of Lucknow Judgeship, is most unfortunate where an under-trial was murdered during the Court hours allegedly just in front of the Court room. Apart from such incident being unfortunate, it raises serious concerns amongst all stake-holders including the members of judicial fraternity which necessarily comprises of the members of Bar as well. It is a matter of grave concern that an under-trial, who was in the custody of the Police, when brought to attend the trial did not find himself safe and was murdered. As per the reports in the media, the assailant or the accused had entered the Court premises in a lawyer's uniform, though he was immediately apprehended by the vigilant lawyers present in the Court premises after the incident, however his entry into the Court premises in robes compounds the concern to be shared by all stake-holders including the Home Department of the State and District and Police administration as also the Bar association concerned and the Bar Council of Uttar Pradesh and the lawyers fraternity in general.

(5) Having observed as above, what we find in this case *qua* the prayers made in this writ petition is that the incident had occurred only six days ago, i.e. 07.06.2023 and a First Information Report in relation to the said incident was lodged on the same day and for the purpose of investigation of the said First Information Report a Special Investigation Team (S.I.T.) has been constituted which comprises of Higher Level Police Officers and includes Mr. Mohit Agarwal, Additional Director General of Police, Mr. Nilabja Chaudhary, Joint Police Commissioner, Lucknow Commissionerate and Mr. Praveen Kumar, Inspector General of Police, Ayodhya Range, Ayodhya.

(6) We have been apprised by learned Advocate General

representing the State-respondents that the said Special Investigation Team (S.I.T.) has vigorously and vigilantly been conducting the investigation into the First Information Report and it has also been provided all the requisite paraphernalia needed for appropriate investigation of the crime.

(7) Having regard to the fact that only six days have elapsed since lodging of the First Information Report and constitution of the Special Investigation Team (S.I.T.), we have no reason, at this juncture, to believe that investigation of the reported crime will not proceed appropriately and in the right direction. In such a short span of time it will not be possible for the Court to draw any inference in respect of the functioning of the Special Investigation Team (S.I.T.) and the investigation being conducted by it. Besides, having regard to the higher rank of the members of the Special Investigation Team (S.I.T.) which they occupy, we, at this juncture, also do not have any reason to believe that the investigation shall not proceed in the right perspective.

(8) We are, thus, of the opinion that the prayers made in this writ petition cannot be granted at this juncture.

(9) Accordingly, we **dispose of** the writ petition with the liberty to the petitioner to approach the Court at any future point of time in case the investigation of the reported crime does not proceed appropriately.

(10) We, however, would like to record our trust and hope that the investigation by the Special Investigation Team (S.I.T.) shall be conducted in the appropriate direction with expedition.

Order Date :- 13.6.2023

Arnima