

ITEM NO.14

COURT NO.1

SECTION X

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 (Criminal) No.189/2018

SAMAYDEEN & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With appln.(s) for appropriate orders/directions, exemption from filing O.T. and permission to file additional documents/facts/Annexures)

WITH W.P.(Crl.) No.29/2019 (X)

(With appln.(s) for exemption from filing O.T. and appropriate orders/directions)

Date : 28-05-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIRUDDHA BOSE
(VACATION BENCH)

For Petitioner(s) Ms. Vrinda Grover, Adv.
Mr. Goutham Shivshankar, AOR
Mr. Prasanna S., Adv.
Ms. Ratna Appender, Adv.
Mr. Soutik Banerjee, Adv.
Mr. Shantanu Singh, Adv.

For Respondent(s) Mr. V. Shekhar, Sr. Adv.
Ms. Aishwarya Bhati, Sr. Adv., AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Kamlendra Mishra, AOR
Mr. Sarvesh Singh Baghel, AOR

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

Learned counsel for the petitioners has drawn the attention of the court to the additional affidavit of the Superintendent of Police, District Hapur, U.P. filed yesterday i.e. 27th May, 2019. The attention of the Court has been drawn to the statements made in paragraph 6 of the said affidavit which would go to show that on 15th May, 2019, the statements of Saleem and Nadeem, the brothers of the deceased Quasim were recorded before the Chief Judicial Magistrate, Hapur, U.P., as per the provision of Section 164 Cr.P.C. Learned counsel for the petitioners, on that basis, has submitted that the investigating agency should be directed to file a supplementary charge-sheet.

Having considered the matter, we are of the view that no such direction, as prayed for, ought to be issued. Rather, the order that would be appropriate to be passed, at this stage, would be to permit the petitioners to draw the attention of the learned trial Judge to the aforesaid statements of the brothers of the deceased recorded under Section 164 Cr.P.C. The petitioners may act accordingly, whereafter appropriate orders will be passed by the learned trial court.

The matter be listed after the summer vacation.

The petitioners will be at liberty to file additional documents along with the translations.

(Chetan Kumar)
A.R. - cum - P.S.

(Anand Prakash)
Court Master