

ITEM NO.60 COURT NO.6 SECTION OUT-TODAY 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

Suo Motu Writ (CrI.) No.2/2019

IN RE MISSING OF AN LLM STUDENT AT SWAMI  
SHUKDEVANAND LAW COLLEGE (SS LAW COLLEGE)  
FROM SHAHJAHANPUR U.P.

Petitioner(s)

VERSUS

Respondent(s)

(TO BE TAKEN UP AT 02:00 P.M.)

Date : 02-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA

By Courts Motion, AOR

For Petitioner(s) Ms. Shobha Gupta, AOR (Amicus)  
Mr. Joyshree Barman, Adv.  
Mr. Abhinav Bansal, Adv.  
Ms. Pyoli, Adv.  
Ms. Shomona Khanna, Adv.  
Ms. Sumita Hazarika, Adv.  
Ms. Amita Joseph, Adv.  
Mr. Rajinder Kr. Panigrahi, Adv.  
Ms. Joyshree Barman, Adv.  
Mr. Abhinav Bansal, Adv.

For Respondent Mr. Vikramjit Banerjee, ASG  
Ms. Aishwarya Bhati, AAG  
Ms. Garima Prasad, standing counsel of U.P.

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

We have spoken to the girl Miss "A" and also with the parents of Miss "A", in-camera. The girl Miss "A" has certain grievances against the Institution and also the management. The parents have certain apprehension about their safety.

We are not expressing any opinion regarding the grievances expressed by the girl Miss "A" and apprehensions of her parents. All that we wish to point out is that the correctness of the grievances/apprehension has to be addressed as per the procedure established in law.

In view of above, we direct the Chief Secretary, State of Uttar Pradesh, to constitute a Special Team headed by a police officer in the rank of the Inspector General of Police to be assisted by the Superintendent of Police and a team of police officers to enquire into the grievances expressed by Miss "A" and insofar as the apprehension expressed by the parents of Miss "A".

At this stage, Mr. Vikramjit Banerjee, learned Additional Solicitor General, representing the State of Uttar Pradesh along with Ms. Aishwarya Bhati, learned Additional Advocate General, has submitted that an FIR, No.0445 dated 27.08.2019, against the management of the Institution has been registered under Section 364 and 506 I.P.C., based on the complaint lodged by the complainant-father of the girl Miss "A". Mr. Vikramjit Banerjee has also submitted that a cross FIR No.0442 dated 25.08.2019 has been registered.

The investigation team to be constituted shall take note of both the FIRs and proceed with the investigation in accordance with law in both the investigations and file status report before the High Court.

Considering the facts and circumstances of the case, we request the Chief Justice of the High Court of Judicature at Allahabad to constitute a Bench to monitor the investigations in

this regard.

In so far as the apprehension expressed by the father of the girl about their safety, we direct the Chief Secretary, State of Uttar Pradesh, to direct the Superintendent of Police of the concerned district, namely, Shahjahanpur, to afford protection to the parents and family members of the girl on assessing the threat perception. We request the High Court to also review the protection accorded to the family members of Miss "A" and pass appropriate orders.

Suo Motu Writ Petition is retained in the Supreme Court only for the limited purpose of ensuring that the further studies of Miss "A" is not discontinued. She has stated that she does not want to continue in that Institution, against whom she has made allegation. It was stated before us that there is another college attached/affiliated to the same University, namely, Meerut University at Bareilly.

To enable her to continue LLM course and her brother who is pursuing his first year course in the same institution, Mr. Vikramjit Banerjee, learned Additional Solicitor General, to verify and inform the Court whether Miss "A" and her brother (pursuing first year course in the same university) may be accommodated in the affiliated/attached university, namely, Meerut University, Bareilly, on the next date of hearing.

The stay of Miss "A" shall continue in the same place i.e. All India Women's Conference, BAPNU GHAR, till 12.09.2019

List the matter on 04.09.2019 at 02:00 P.M.

The parents of Miss "A" are free to go to Shahjahanpur and team of Delhi Police to accompany them to the place of their residence at Shahjahanpur and the same protection be extended to the parents till 04.09.2019 or till they reach back to the place of their residence whereafter it would be considered by the High Court in the manner indicated above.

The Registry is directed to send a copy of this order forthwith to the Registrar (Judicial) of the High Court of Judicature at Allahabad.

(MAHABIR SINGH)  
COURT MASTER

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER