

Court No. - 1

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Case :- P.I.L. CIVIL No. - 16150 of 2020

Petitioner :- Suo-Moto Inre: Right To Decent & Dignified Last Rites/Cremat

Respondent :- State Of U.P. Thru Additional Chief Secretary, Home And Ors.

Counsel for Petitioner :- Abhinav Bhattacharya, Ajit Singh, Anjani Kumar Mishra, Ashish Kumar Agarwal, Atul K. Singh, Atul Kumar Singh, Digvijay Singh Yadav, Jaideep Narain Mathur (Ac, Nadeem Murtaza, Onkar Singh, Pradeep Kumar Singh, Seema Kushwaha

Counsel for Respondent :- C.S.C., Ashok Shukla, Dr. Ravi Kumar Mishra

Hon'ble Pankaj Mithal, J.

Hon'ble Rajan Roy, J.

Heard Shri Jaideep Narain Mathur, learned Senior Counsel assisted by Shri Abhinav Bhattacharya, learned amicus curie, Shri S.V. Raju, learned Senior Counsel appearing through video conferencing for State, Shri V. K. Sahi, learned counsel and Shri Anurag Singh, learned counsel for C.B.I. and Ms. Seema Kushwaha, learned counsel for complainant.

On being asked to update the Court about the status of the investigation learned counsel for the C.B.I. Shri Anurag Singh informed that time for completing the investigation has been granted by the Court below up to 18.12.2020.

The C.B.I. has not filed any status report. It should file the status report pertaining to the investigation on every day the matter is fixed before this Court till the investigation is completed and the report is submitted before the Court below.

As regards the SOP is concerned, learned Senior Counsel Shri Jaideep Narain Mathur assisted by Shri Abhinav Bhattacharya, learned Advocate informed that he had provided his inputs on the draft SOP to the learned counsel for the State Government and hopefully in consultation with each other the State would be able to place before the Court a final SOP as to the modalities to be followed during cremation, by the next date.

Ms. Seema Kushwaha, learned counsel for victim's family proposed to file an affidavit. She may do so as per rules of the Court before the next date. She referred to complaint by father of the victim (referred as 'F') about the conduct of the District Magistrate to the Special Investigation Team and stated that in spite of it, it is not clear as to whether the same has been recorded by the SIT or not. In this regard the State should file the first or interim report of the SIT.

She also asserted that the District Magistrate had given in writing to the family about acceptance of their demands based on their conversation with Hon'ble the Chief Minister of U.P. through video conferencing, however, except for the compensation part no other demand had been fulfilled.

Shri S.V. Raju, learned Senior Counsel appearing through video conferencing submitted that as per his instructions from the State Government and the District Magistrate no such demand for grant of job, house etc. had been accepted. He however offered to get back to us after seeking fresh instructions in view of the assertion of learned counsel for victim's family based on some written communication of the District Magistrate. He shall do so before the next date.

We apprised the learned counsel appearing for parties that we had gone through the Audio Visual material available on record and that we propose to offer viewing of the same by learned counsel for various parties as also the then District Magistrate and SP Hathras and one or two members from victim's family so as to facilitate further proceedings in this regard.

With the consent of parties' counsel we fix 16.01.2021 as the date for viewing Audio and Visual material available on record, by the aforesaid, in the Video Conference Room in the New High Court Building at Lucknow or such other suitable place in the said building as may be convenient, intimation of which would be given to the concerned counsel/ parties separately.

Once, the Audio and Video material has been viewed by the concerned counsel and the persons referred hereinabove it shall be open for them to file their response to the same.

We fix this matter for **27.01.2021 at 3.15 p.m.**

In the meantime, the parties should inspect the file to see as to whether copies of the pleadings filed by other parties have been received by them or not. If not, to seek a copy thereof from the concerned party and file their response, if they so choose.

(Rajan Roy,J.)

(Pankaj Mithal,J.)

Order Date :- 16.12.2020

R.K.P.