

Court No. - 46

WWW.LIVELAW.IN

Case :- CRIMINAL MISC. WRIT PETITION No. - 6348 of 2021

Petitioner :- Jagram

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Shivakant Singh,Ram Swaroop (Singh)

Counsel for Respondent :- G.A.

Hon'ble Surya Prakash Kesarwani,J.

Hon'ble Piyush Agrawal,J.

1. Heard learned counsel for the petitioner and Sri Rupak Chaube, learned A.G.A. for the State-respondents.

2. A counter affidavit on behalf of respondent No.1 dated 07.09.2021 has been filed today, which is taken on record.

3. This court vide judgment dated 11.06.2021 in Criminal Misc. Writ Petition No.16386 of 2020 (Shiv Kumar Verma and another vs. State of U.P. and 3 others), has issued the following directions:-

“(i) The State Government shall ensure that the provisions of the Cr.P.C. as referred in the policy decision dated 23.03.2021 are strictly followed/observed by all the concerned officers.

“(ii) The State Government shall further ensure that paragraph 12 of the policy decision dated 23.03.2021 is strictly implemented, which at the cost of repetition is reproduced below:

(1) भारत के संविधान के अनुच्छेद-21 का उल्लंघन करते हुये किसी व्यक्ति की अवैध हिरासत किये जाने के लिए अनुशासनिक प्राधिकारी द्वारा जांच में दोषी पाये जाने पर उत्तरदायी अधिकारी के विरुद्ध उ0प्र0 सरकारी सेवक (अनुशासन एवं अपील) नियमावली, 1999, दि आल इंडिया सर्विसेज (डिसिप्लिन एंड अपील) रूल्स, 1969 एवं उ0प्र0 अधीनस्थ श्रेणी के पुलिस अधिकारियों की (दण्ड और अपील) नियमावली, 1991 (यथा संशोधित) में संगत नियमों के अंतर्गत दण्डात्मक कार्यवाही की जायेगी।

(2) अनुशासनिक प्राधिकारी द्वारा अपनी जांच रिपोर्ट 03 माह में अथवा संगत नियमावली में यथा उल्लिखित समयानुसार प्रस्तुत की जायेगी।

(3) यदि किसी नागरिक की अवैध रूप से हिरासत प्रमाणित पायी जाती है तो पीड़ित व्यक्ति को रू0-25,000/ की धनराशि का भुगतान मुआवजे के रूप में किया जायेगा।

“(iii) The State Government shall publish Para 12 of its Policy decision dated

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23.03.2021 in all largely circulated National Level Newspaper having circulation in the State of Uttar Pradesh and shall also display it on display board at prominent places within public view, in all blocks, Tehsil Headquarters, Police Stations and in campus of District Collectorate in the whole of the State of Uttar Pradesh.

(iv) Copy of this order shall be sent by the State Government to all District level and Tehsil level Bar Associations in the whole of the State of Uttar Pradesh.”

4. Let an affidavit be filed by the respondent No.1 clearly disclosing therein as to whether the afore-quoted direction Nos.(iii) and (iv) of the judgment in the case of Shiv Kumar Verma and another (supra) has been complied with? If the answer is in affirmative, then copies of relevant newspapers and report of displaying the para-12 of the policy decision dated 23.03.2021 on display board at prominent places within public view, in all blocks, Tehsil Headquarters, Police Stations and in campus of District Collectorate in the whole of the State of Uttar Pradesh and sending of the copies of the order to all District level and Tehsil level Bar Associations in the whole of the State of Uttar Pradesh, shall also be filed along with the affidavit.

5. The affidavit of compliance be filed on or before the next date fixed.

6. Put up as a fresh case for further hearing before this bench on 14.09.2021 at 10 A.M.

Order Date :- 07.09.2021

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