

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(s)(Criminal) No(s). 406/2023

TUSHAR GANDHI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA NO.181890/2023-EXEMPTION FROM FILING AFFIDAVIT, IA NO.234074/2023-EXEMPTION FROM FILING O.T., IA NO.234515/2023-EXEMPTION FROM FILING O.T., IA NO.33145/2024-EXEMPTION FROM FILING O.T., IA NO.91362/2024-INTERVENTION APPLICATION AND IA NO.91364/2024-APPROPRIATE ORDERS/DIRECTIONS)

Date : 10-05-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. Shadan Farasat, AOR
Ms. Mreganka Kukreja, Adv.
Ms. Hrishika Jain, Adv.
Ms. Natasha Maheshwari, Adv.
Mr. Aman Naqvi, Adv.
Mr. Harshit Anand, Adv.
Mr. Abhishek Babbar, Adv.
Mr. Shadab Azhar, Adv.

For Respondent(s)

Mr. K.M. Nataraj, A.S.G.
Mr. Sharan Dev Singh Thakur, A.A.G.
Ms. Ruchira Goel, AOR
Mr. Siddharth Thakur, Adv.
Ms. Indira Bhakar, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Subhranshu Padhi, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Gaurang Bhushan, Adv.

Ms. Pankhuri Shrivastava, Adv.
Ms. Neelam Sharma, AOR

Ms. Garima Prashad, Sr. A.A.G.
Mr. Krishnanand Pandeya, AOR
Mr. Sanjay Jain, Adv.
Mr. Sarvesh Dubey, Adv.
Ms. Ankita Kedia, Adv.
Mr. Yash Kirti Kumar Bharti, Adv.

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

Shri K.M. Nataraj, the learned ASG representing the Home Department of the State Government states that charge-sheet has been filed after sanction was received.

There is no dispute that as far as prayer clauses 'a' to 'c' of I.A. No.91364/2024 are concerned, there is a substantial compliance made by the State. What remains to be considered is prayer clause 'd'.

Ms. Garima Prashad, learned AAG, appearing for the State of Uttar Pradesh states that the officers of the State are in the process of finding out appropriate NGO who will be able to help the cause of the child. She also states that even a request has been made to Sharden Public School, Muzaffarnagar, to adopt the child. We are sure that if a request is made by the State to Sharden Public School to adopt the child, the School Authorities will consider it sympathetically considering the peculiar facts of the case.

For considering the prayer clause 'd' and the larger issues raised in our order dated 25th September, 2023, list the matter on 26th July, 2024.

If the State is able to procure assistance of the Public School or any NGO, necessary material be placed on record before the next date.

As a charge-sheet has been filed, no further directions are required to be issued against the Home Department. We, however, make it clear that considering the nature of the First Information Report, the Home Ministry will nominate an appropriate senior IPS Officer to ensure that prosecution is properly conducted by the State.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)