

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

Petition(s) for Special Leave to Appeal (Crl.) No(s).7857/2022

[Arising out of impugned final judgment and order dated 26-07-2022 in CR MBA No.13762/2021 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

ASHISH MISHRA ALIAS MONU

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(IA No. 167449/2022 - APPLICATION FOR PERMISSION, IA No.164803/2022 - EXEMPTION FROM FILING O.T., IA No. 152757/2022 - EXEMPTION FROM FILING O.T., IA No. 127590/2022 - EXEMPTION FROM FILING O.T., IA No. 122127/2022 - EXEMPTION FROM FILING O.T., IA No. 122135/2022 - INTERVENTION/IMPLEADMENT, IA No. 127589/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 268558/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 122134/2022 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 07-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Siddharth Dave, Sr. Adv.
Mr. Pankaj Sharma, Adv.
Mr. Abdesb Chaudhary, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kshitij Mudgal, AOR
Mr. Kartik Arora, Adv.
Ms. Vidushi Pandey, Adv.

For Respondent(s) :Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.
Ms. Alice Raj, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Ms. Ruchira Goel, AOR
Ms. Veera Mahuli, Adv.

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

1. Heard Mr. Sidharth Dave, learned senior counsel for the

petitioner, Ms. Garima Prashad, learned Senior Additional Advocate General on behalf of the State and Mr. Prashant Bhushan, learned counsel on behalf of the complainant.

2. Learned State counsel informs that 20 witnesses have been examined so far. We are informed that the trial is now fixed for 20.08.2025.

3. We direct the prosecution to produce sufficient witnesses so that the Trial Court can record their statements the entire day. The Trial Court will also ensure that the statements of as many witnesses as possible present on the date are recorded.

4. At this stage, Mr. Prashant Bhushan has referred to paragraphs 4 and 5 of the order dated 24.03.2025. He states that in terms of the liberty granted therein, the complainant (Baljinder Singh) has made a written complaint at the police station on 20.06.2025, but nothing has happened thereafter.

5. On this, learned Senior Additional Advocate General points out that Baljinder Singh has never turned up for recording his statement before the police in support of the complaint.

6. In our considered view, that may not be a satisfactory explanation on behalf of the police/prosecution. In case, the complainant has been reluctant in coming forward in support of his complaint, some senior police officer can be deputed to visit the place of the complainant in order to verify whether the complaint has been made by him; if so, whether the complainant admits the contents of the complaint and if such contents are acknowledged, it is imperative upon the police authorities to investigate the same. In this regard, the necessary consequences then must follow.

7. Since we have already directed in paragraph 5 of the order dated 24.03.2025 that a fresh status report with respect to the complaint of Baljinder Singh be filed, we direct the Senior Superintendent of Police, Lakhimpur Kheri, to file such affidavit after verification of the complaint as directed above.

8. Post the matter on 09.10.2025.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR