

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2589 OF 2025
(ARISING OUT OF SLP(CRL.) NO.7453 OF 2025)
[DIARY NO.2673/2023]

GORAKH NATH MISHRA

APPELLANT

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENTS

O R D E R

1. Delay condoned.
2. Leave granted.
3. The issue that arises for consideration in this case is whether any *prima facie* case under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 (in short, the "Gangsters Act") is made out against the appellant on the basis of the nature of offence attributed to him. After notice, on 07.03.2024 Shri K.M. Nataraj, learned Additional Solicitor General of India appeared on behalf of the State of Uttar Pradesh and sought time to obtain appropriate instructions in the matter. On 19.04.2024 he informed the Court that the State Government was contemplating to lay down some guidelines-cum-parameters which are to be followed before invoking provisions of the Gangsters Act. Time was consequently granted. It was informed on 12.12.2024 that the guidelines have been formulated and given some more time the same shall be placed on record. Thereafter, the

State of Uttar Pradesh filed a compliance affidavit explaining that the guidelines have been outlined for invoking the provisions of the Gangsters Act and further orders have been issued directing strict compliance with those guidelines read with the 2021 Rules framed under the Gangsters Act regarding preparation of gang chart. The relevant guidelines have been placed on record also. The directions issued by the State have also cautioned the Authorities that in the event of any negligence shown, penal action will be warranted. It is also pointed out that a five-day special orientation programme covering key aspects of the Gangsters Act was conducted in the Judicial Training and Research Institute at Lucknow followed by an open house discussion so that the likelihood of misuse of the subject-provisions could be avoided. Thereafter, a checklist of 29 points and instructions has been issued for strict action against the officers who would be found indifferent or ignorant towards the relevant rules and Government orders.

4. In light of the evolved guidelines, the respondents have fairly reconsidered the case of the appellant and it has been found that as of now provisions of the Gangsters Act are not attracted qua him.

5. That being so, the impugned judgment of the High Court dated 23.10.2019 is set aside and the instant appeal stands disposed of in terms of the decision taken by the competent Authority following the guidelines.

6. It goes without saying that the Enforcement Agencies will be obligated to follow the Government guidelines strictly to prevent misuse of the provisions of the Gangsters Act and shall abide by all the points in the checklist prescribed by the Government.

7. The appeal stands disposed of in the above terms.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi
May 14, 2025

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL)..... Diary No(s).2673/2023

[Arising out of impugned final judgment and order dated 23-10-2019 in CRMWP No.22904/2019 passed by the High Court of Judicature at Allahabad]

GORAKH NATH MISHRA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No.161692/2023 - CONDONATION OF DELAY IN FILING, IA No.161694/2023 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS, IA No. 20501/2025 - EXEMPTION FROM FILING O.T., IA No.288363/2024 - EXEMPTION FROM FILING O.T., IA No. 161699/2023 - EXEMPTION FROM FILING O.T., IA No. 288362/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 2645/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 161701/2023 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

Date : 14-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) :Mr. Sadashiv, AOR

Mr. Rajendra Prasad Swarnkar, Adv.

Mr. Sachin Agarwal, Adv.

Mr. Pranav Kumar Srivastva, Adv.

Mr. Devendra Kumar Gupta, Adv.

Mr. Nishant Sanjay Kumar Singh, Adv.

Mr. Prashant Andrew Leo, Adv.

Mr. Ashish Singh, Adv.

Ms. Mumtaz Javed Shaikh, Adv.

Mr. Mohd Arafat Ahmad, Adv.

Mr. Mohd Shafat Ahamad, Adv.

For Respondent(s) :Mr. K. M. Nataraj, A.S.G.

Mr. Abhishek Kumar, Adv.

Ms. Tulika Mukherjee, AOR

Mr. Sarath Nambiar, Adv.

Mr. Beenu Sharma, Adv.

Mr. Venkat Narayan, Adv.

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

1. Delay condoned.
2. Leave granted.

3. The appeal is disposed of in terms of the signed order.
4. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)

ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)

ASSISTANT REGISTRAR

(signed order is placed on the file)