

ITEM NO.59

COURT NO.8

SECTION II

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

Miscellaneous Application No. 1086/2025 in CrI.A. No.
2295/2025

[Arising out of impugned final judgment and order dated
29-04-2025 in CrI.A. No. No. 2295/2025 passed by the Supreme
Court of India]

AFTAB

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

FOR ADMISSION

IA No. 208915/2025 - EXEMPTION FROM FILING O.T.

IA No. 141558/2025 - MODIFICATION OF COURT ORDER

Date : 17-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. Abhishek Singh, Adv.
Mr. Sandeep Kumar, Adv.
Mr. Yavi Yaduvanshi, Adv.
Mr. Akash Singh, Adv.
Mr. Satyendra Kumar Tiwari, Adv.
Ms. Kritika Saraswat, Adv.
Ms. Manju Jetley, AOR

For Respondent(s) :Ms. Aishwarya Bhati, A.S.G.
Dr. Vijendra Singh, AOR
Ms. Apurva Singh, Adv.
Ms. Sunit Chaudhary, Adv.
Mr. Virender, Adv.

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

1. We heard Ms. Aishwarya Bhati, the learned A.S.G., who appeared for the Union of India.
2. In pursuance of the Order passed by this Court dated 25.6.2025 i.e. the order passed in Miscellaneous Application No. 1086 of 2025, an enquiry was undertaken by the Principal District and Sessions Judge, Ghaziabad, U.P., in respect of delay in releasing the accused-original petitioner, namely Aftab from prison in accordance with the bail order dated 29.4.2025 passed by this Court in Criminal Appeal No. 2295 of 2025.
3. Para 11 of the order dated 25.6.2025 is also relevant.
4. This order dated 25.6.2025 was also passed in the very same application i.e., Miscellaneous Application No. 1086 of 2025, as regards initiating appropriate enquiry. Para 11 reads thus:-

"11. We feel that instead of the Director General/Deputy Inspector General of Police (Prisons) conducting the enquiry in this case it should be conducted by a Principal District and Sessions Judge, Ghaziabad, Uttar Pradesh. The enquiry will focus on the reason behind the delay in enlarging the applicant/petitioner from prison and as to why he was detained beyond 27.05.2025. The reasons given by the State is the non-mentioning of sub-section (1) of Section 5. Is that the real reason or was there something sinister will also be enquired into. Independently, the Principal District and Sessions Judge will also enquire as to whether there was any gross negligence on the part of the Prison Authorities or other officials in this episode and if there are any Officers who are responsible."

5. We have the enquiry report before us today.
6. There are many aspects of the enquiry report to be looked into in details.
7. However, we take notice of para 8 of the enquiry report. Para 8 of the enquiry report reads thus:-

"In view of the above discussions, the officer Sri Junaid Muzaffar, Additional District and Sessions Judge, Court No. 12, Ghaziabad is solely accountable for the delay occurring in release of the accused Aftab and he did not act with full care and attention having regard to the gravity and nature of the case. Thus, the officer has been responsible for the release of the accused after an inordinate delay."

8. Before we proceed to pass appropriate further orders, we would like to call for the remarks of Sri Junaid Muzaffar, the Additional District and Sessions Judge, Court No. 12, Ghaziabad. The learned Judicial Officer shall study the report and offer his comments or remarks insofar as Para 8 of the report is concerned.
9. Once we are in a position to understand the stance of the learned Judicial Officer, referred to above, we shall proceed further with the matter.
10. We have taken this lapse very seriously.
11. When an order is passed by the highest Court of the Country and, that too the First Court i.e., the Court presided over by

Hon'ble the Chief Justice of India, it was not proper at all for the authorities to pick up trivial omissions in the order and understand the same in their own manner.

12. We shall deal with the aforesaid aspect of the matter, once we receive the comments/remarks from the learned Judicial Officer, referred to above.

13. The Registry shall call for the remarks of the learned Judicial Officer at the earliest and upon receipt of the same be placed before us.

14. The Registry, while informing the concerned learned Judicial Officer, shall also forward one copy of the enquiry report along with the entire set of papers of this matter.

15. Post on 8.12.2025 on the top of the Board.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)