

ITEM NO.302

COURT NO.11

SECTION II

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

Miscellaneous Application No. 3-4/2025 in CrI.A. No.3883-3884/2024

[Arising out of impugned final judgment and order dated 20-09-2024 in CrI.A. No. No. 3883/2024 20-09-2024 in CrI.A. No. No. 3884/2024 passed by the Supreme Court of India]

SUPREME COURT BAR ASSOCIATION & ANR.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

FOR ADMISSION

IA No. 283438/2024 - INTERVENTION APPLICATION

IA No. 283437/2024 - INTERVENTION APPLICATION

IA No. 239214/2024 - MODIFICATION OF COURT ORDER

Date: 23-01-2025 This matter was called on for hearing today.

CORAM:

HON'BLE MS. JUSTICE BELA M. TRIVEDI

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s):

Mr. Kapil Sibal, Sr. Adv.

Mr. Atmaram Nadkarni, Sr. Adv.

Ms. Rachana Srivastava, Sr. Adv.

Mr. Amit Sharma, AOR

For Respondent(s):

UPON hearing the counsel, the Court made the following

O R D E R

IA No. 239214/2024, IA No. 283438/2024 and IA No. 283437/2024

1. These applications have been filed by the applicants- Supreme Court Bar Association (SCBA) And Supreme Court Advocates On-Record Association (SCAORA) in Miscellaneous Application Nos. 3-4/2025, seeking permission to intervene in the matter and seeking clarification/ modification of the judgment dated

20.09.2024 passed in CrI. Appeal Nos.3883-3884 of 2024. Following prayers have been sought in the M.A. No.3-4/2025.

"a) Modify order dated 20.09.2024 passed by this Hon'ble Court in the CrI. A. No. 3883-3884 of 2024 to the extent that the investigation carried out by the CBI in furtherance on the directions of this Hon'ble Court, shall be independent and not influenced by the observations made in the instant matter especially Paragraphs 24, 25, 30 and 32 of the Judgment dated 20.09.2024;

b) Modify/Clarify the directions passed in Para-42 of the order to the extent that the names of those Advocates should also be included who have assisted the Advocate on Record in preparation of the case and/or have briefed the arguing counsel or Senior Advocate and/or are from the office of the Senior Advocate assisting on the matter."

2. At the outset, in response to the query put forth by the Court as to what *locus standi* the applicants have to file these Interlocutory Applications/ Miscellaneous Applications in a disposed of Criminal Appeals being CrI. Appeal Nos.3883-3884/2024, the learned Senior Advocate, Mr. Kapil Sibal, appearing for the applicants fairly conceded that in normal circumstances the applicants would not have the *locus standi*, however he earnestly urged to permit him to address the Court, submitting that both the applicants - Associations are working for the welfare of the Bar, and the judgment in question has a wide repercussions

on the Advocates practicing in the Supreme Court and on the legal profession as a whole.

3. He further submitted that so far as prayer clause (a) sought in M.A. is concerned, it may be clarified that the observations made in the judgment are *prima facie* and may not influence the CBI in carrying out the investigation independently.

4. Since, Mr. Kapil Sibal, is not only the Senior Advocate but is also the President of the SCBA, we permitted him to address the Court without being technical as to the *locus standi* of the applicants. Considering his earnest request, however without diluting the tenor and effect of the directions given and observations made in the judgment dated 20.09.2024, we may clarify that the CBI shall carry out the Inquiry/ Investigation independently and in accordance with law and register the case against the persons who are found involved and responsible for the commission of the alleged crimes.

5. So far as the prayer clause (b) is concerned, learned Senior Advocate, Mr. Kapil Sibal, submitted that the Members of both the Associations i.e. SCBA and SCORA, are committed to the cause of justice and are also committed to promote professional competence and maintain professional integrity, and to prevent unethical practices affecting the legal profession. He submitted that on the next date of hearing, the

applicants shall come out with some concrete proposal for taking steps/ action for the promotion and improvement of the professional competence, which in turn would help in maintaining the professional integrity for the larger cause of justice.

6. In view of the said submission, list the applications before the same combination of Bench on 30.01.2025 at 02:00 p.m.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)
COURT MASTER (NSH)