

ITEM NO.9

COURT NO.16

SECTION X

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

Writ Petition(s)(Criminal) No(s). 129/2022

SUKASH CHANDRA SHEKHAR @ SUKESH & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION

IA No. 77348/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 66773/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 84409/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

IA D NO.87378/2022- APPLICATION SEEKING VACATION/RECALL OF THE ORDER DATED 17.06.2022

IA D. NOS.86843 & 86846/2022-APPLICATIONS FOR IMPLEADMENT AND EXEMPTION FROM FILING AFFIDAVIT

Date : 23-06-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

(VACATION BENCH)

For Petitioner(s) Mr. R. Basant, Sr. Adv.
 Mr. Arijit Prasad, Sr. Adv.
 Mr. Ashok K. Singh, Adv.
 Ms. Ankita Baluni, Adv.
 Ms. Tanishq Mehta, Adv.
 Mr. Sandeep Kumar Bhardwaj, Adv.
 Mr. Akshay Sahu, Adv.
 Mr. Deepak Kumar, Adv.
 Mr. Aftab Ali Khan, AOR

For Respondent(s) Mr. S.V. Raju, Ld. ASG
 Mr. Zoheb Hossain, Adv.
 Mr. Piyush Beriwal, Adv.
 Mr. Rajat Nair, Adv.
 Ms. Sairica Raju, Adv.
 Mr. Gurmeet Singh Makker, AOR
 Ms. Swati Ghildiyal, Adv.
 Mr. Mukesh Kumar Maroria, AOR

UPON hearing the counsel the Court made the following

O R D E R

On 17.06.2022, this Court passed an order in the

captioned Writ Petition on the following terms:

"In the facts and circumstances, without entering into the rival contentions, it would be appropriate to transfer the Petitioners to some other jail so to allay the apprehension of all concerned.

As requested, list on 20.06.2022 to enable the respondents to take a decision on the appropriate jail to which the petitioners can be transferred."

When this matter was taken up on 21.06.2022 upon hearing the learned Solicitor General on the application for impleadment filed on behalf of the Enforcement Directorate, we observed that further submissions on behalf of respondents would be heard only after compliance on receipt of their decision/suggestion as relates the appropriate jail to which the petitioners could be transferred.

Subsequently, an application vis., I.A. D. No. 87378/2022 is filed on behalf of the Directorate of Enforcement seeking vacation/recall of order dated 17.06.2022. As noticed hereinbefore, the Enforcement Directorate is only a party seeking impleadment and at the same time on 17.06.2022, there was a direction to the respondents presently in the array of parties to take a decision on the appropriate jail to which the petitioners could be transferred. Since this Court specifically observed the other day that the matter would be heard further only upon furnishing the name of the appropriate

jail. We are of the view that the matter need be proceeded further only upon receipt of the same.

Shri S.V. Raju, learned Additional Solicitor General, on instructions, submitted that the appropriate jail in the event of an order for shifting would be Mandoli Jail in Delhi guarded by para-military force and he has hastened to add that this submission may be taken as one without prejudice to the right of the respondents to canvass the position that shifting of the petitioners from Tihar Jail is unwarranted.

Mr. R. Basant, learned senior counsel submitted that the petitioners may be permitted to file a statement in connection with the said submission taking into account the apprehension already raised in the Writ Petition.

List this matter on 30.06.2022.

In the meanwhile, statement, if any, on behalf of the petitioners, in the aforesaid regard, may be filed.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER