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IN THE SUPREME COURT OF INDIA

(CRIMINAL APPELLATE JURISDICTION)

WRIT PETITION (Crl.) No. 409 of 2020

IN THE MATTER OF:-

The State of Uttar Pradesh ... Petitioner

Versus

Jail Superintendent (Ropar) & Ors. ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

W I T H

CRL. M.P. NO. OF 2021
An Application for Exemption from filing Official Translation

PAPER BOOK
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ADVOCATE FOR THE RESPONDENT NO. 3:
PARUL SHUKLA

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IN THE MATTER OF:-

The State of Uttar Pradesh ... Petitioner

Versus

Jail Superintendent (Ropar) & Ors. ... Respondents

COUNTER ON BEHALF OF RESPONDENT NO. 3

To,

The Hon'ble Chief Justice of India
And his companion Justices of
The Hon'ble Supreme Court of India.

The humble reply of the
Respondent above named.

MOST RESPECTFULLY SHOWETH:

1. The present writ petition has been filed by the Petitioner under Article 32 of the Constitution of India read with Section 406 of the Code of Criminal Procedure, 1973. Vide the present petition, the Petitioner has alleged violation of Article 14 and 21 under the Constitution of India, which on a plain reading of the above articles contained in Part-III, clearly shows that these rights are provided to 'persons' against State action and are not available to

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the State itself. In a most peculiar situation, the State of U.P. has itself filed the writ alleging the violation of Article 14 and 21 in the present writ.

2. That the Respondent No. 3 has gone through the contents of the above-said writ petition filed by Petitioner and is filing the present counter in response thereto. At the very outset the answering Respondent denies all allegations made in the said writ and states that the same deserves to be dismissed. That nothing that is stated by the Petitioner in the present petition shall be deemed to be admitted by the Respondent No. 3 for want of a specific traverse.

3. The Respondent No. 3 herein is a sitting MLA from Mau Constituency from the Bahujan Samaj Party (BSP). The Petitioner belongs to a respectable family which has a prominent political impact in Eastern Uttar Pradesh. On account of long political career of the Respondent and his family, the ruling party in the State of U.P. has acrimonious political rivalry against the Respondent. There have been several attempts on the life of Respondent No. 3 by rival political enemies (including Brijesh Singh, professional criminal in U.P. who is currently a sitting

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MLA from Ruling Party), which was also recorded widely in newspapers, and thus the Respondent's life is in grave danger in the State of Uttar Pradesh. The Respondent No. 3 has been languishing in jail since 25.10.2005 i.e. over 15 years and is himself desirous of early and expeditious disposal of trial pending against him. The Respondent has been in the custody of District Jail Roop Nagar since 8.1.2019. The Respondent No. 3 has won the last three elections from jail, which goes on to show the support of the people in Eastern U.P. towards the Respondent No. 3, which is causing unrest in the political rivals of the Answering Respondent. The Respondent has always participated in all trials on going against him, however, he is scared for his life while attending trials in person in State of U.P. and thus seeks liberty that he may be permitted to continue to appear through video conferencing in all these trials.

4. It is relevant to note that the Petitioner has mentioned 10 cases (at page D) pending against the Respondent before the Special Judge, (MP/MLA), Allahabad as the reason for filing the present writ. The Petitioner however did not disclose to this Hon'ble Court that the Respondent has already been granted permission to appear through video-conferencing in 9 (nine) of the above

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cases, in pursuant to order dated 7.2.2020 passed by this Hon'ble Court, which the Respondent has been attending regularly. For the remaining one case i.e. S.T. No. 22 of 2005 (i.e. at Serial No. 5 of the table at page D), the application for permission to appear through video-conferencing is pending before the Special Judge (MP/MLA). The present writ petition thus suffers from serious suppression of material information and is misconceived, bad in law and deserves to be dismissed. The table appended at page D and the status of each case is as follows:

P.S./DISTRICT		CASE NO.	SECTIONS	STATUS OF CASE	STATUS OF VIDEO-CONFERENCING
1.	South Tola, Mau	399/2010, S.T. No. 130/2010	302, 307, 120 & 34 IPC 25/27 Arms Act & 7 CLA	Argument **Resp. Note:** Arguments concluded by Resp. on 2 occasions and now being heard by the third Ld. Judge. Resp. appearing through Sr. Counsel	Granted and regularly appearing

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2.	South Tola, Mau	891/2010 S.T. No. 6200002/2012	3(1) U.P. Gangster Act	Framing of charge	Granted and regularly appearing
3.	Mohammadabad, Ghazipur	1182/2009 S.T. No. 10/2010	307, 506, 120B IPC	Evidence	Granted and regularly appearing
4.	Mohammadabad, Ghazipur	1051/2007 S.T. No. 6200090/2012	3(1) Gangster Act	Evidence	Granted and regularly appearing
5.	Mohammadabad, Ghazipur (incorrectly mentioned as Varanasi)	263/1990 S.T. No. 22/2005	420, 467, 468, 120B IPC 7/13 Prevention of Corruption Act	Framing of charge	Permission to appear through video conferencing filed on 11.1.2021. Next listed on 2.2.2021
6.	Bhelupur, Varanasi	377/1997 S.T. No. 3541/2011	506 IPC (Rs. 1.25 crore extortion case)	Framing of charge	Granted and regularly appearing
7.	Chetganj, Varanasi	229/1991 S.T. No. 265/2007	147, 148, 149, 302 IPC	For evidence	Granted and regularly appearing
8.	Karanda, Ghazipur	482/2010 S.T. No. 557/2012	3(1) Gangster Act	Evidence	Granted and regularly appearing
9.	Kotwali, Ghazipur	192/1996 S.T. No. 620007/2012	3(1) Gangster Act	Evidence	Granted and regularly appearing

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10.	Tarwa, Azamgarh	20/2014 S.T. No. 6200195/2018	302, 307, 147, 148, 149, 120B, 506 IPC & 7 CLA	Framing of Charge	Granted and regularly appearing

5. The following table will show that the Respondent has been regularly appearing through video conferencing in trials in State of U.P., pursuant to the liberty granted by this Hon'ble Court vide order dated 7.2.2020 and permission granted by the Trial Court, and has also been acquitted in three such cases:-

S.No.	Case	Court	Judgment dated
1.	Crl. Case No. 970 of 2018 (FIR No. 126/1999)	Special Judge MP/MLA, Lucknow	23.12.2020
2.	Criminal case No.199/2000 (FIR No. 428 of 2019)	Special Judge MP/MLA, Lucknow	23.12.2020
3.	Criminal case No. 1818/2012 (FIR No. 131 of 2003)	Special Judge MP/MLA, Lucknow	23.12.2020

I. PRESENT WRIT PETITION UNDER ART. 32 - NOT MAINTAINABLE AS THERE CAN BE NO INFRINGEMENT OF FUNDAMENTAL RIGHTS OF STATE:

6. The Respondent No. 3 submits that Article 14, Article 21 and Article 32 under the Indian Constitution read as follows:-

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*"**14. Equality before law** – The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.*

***21. Protection of life and personal liberty** – No person shall be deprived of his life or personal liberty except according to procedure established by law.*

***32.** Remedies for enforcement of rights conferred by this Part*

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution".

7. The above articles make it amply clear that rights guaranteed under Article 14 and Article 21 are to 'persons' as against actions of the 'State'. As per Article 12 the definition of State is as follows:-

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> *"12. **Definition** In this part, unless the context otherwise requires, the State includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India"*

8. Thus, the Petitioner is by no stretch of imagination, entitled to take recourse to Art. 14 and 21 as a state has no fundamental rights guaranteed to it under the constitution and one state cannot prosecute another under a writ petition, as this is against the federal scheme prescribed under the Constitution of India. Article 32(1) makes it amply clear that writ under Art, 32 can be filed solely for enforcement of fundamental rights guaranteed under Part-III, which have only been made available to persons against State action and thus the present writ petition deserves to be dismissed on this ground alone.

Same contention raised by State of Punjab

9. This Hon'ble Court has in several cases held that a writ petition filed under Article 32 by a State is not maintainable as there is no violation of rights guaranteed under Part-III. Thus, the present writ petition deserves to be dismissed as it is an abuse of process of law.

10. The Petitioner while filing the writ petition has purportedly stated that *'fair trial as a manifestation of Art 21 and rule of law as a*

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manifestation of Art. 14 require that the Respondent No. 1 is tried in the State of Uttar Pradesh, the jurisdictional federal unit wherein he is required to be present for the trial(s) to be completed." The answering Respondent humbly submits that fair trial is meant to protect the interests of the accused and the witnesses and it is not open for the State to allege that fair trial requires custodial presence of the accused, albeit at the risk of threat to the life of the accused person.

11. This Hon'ble Court in case of **Kalyani Baskar v. M.S. Sampoornam**, reported in (2007) 2 SCC 258 and Zahira Habibulla H. Sheikh v. State of Gujarat, reported in (2004) 4 SCC 15 had stated that a 'fair trial obviously would mean a trial before an impartial judge, a fair prosecutor and an atmosphere of judicial calm. Fair trial means a trial in which bias or prejudice for or against the accused, the witnesses or the cause which is being tried is eliminated'. Thus, fair trial nowhere envisages that State ought to be granted custody of the accused, at the risk of losing his life. The answering Respondent has been continuously participating in ongoing trials, being conducted in State of UP, through video- conferencing and has also been acquitted in three such cases by the MP/MLA Court. This proves that Answering

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Respondent has not shied away from participating in trials in State of U.P. albeit through video conferencing.

II. POWERS UNDER SECTION 406 OF Cr.P.C. - CONSTRUED STRICTLY AND EXERCISED SPARINGLY:

12. The Petitioners have purportedly filed the present writ under Art. 32 read with Section 406 of Cr.P.C., which is clearly not envisaged under the section itself. Section 406 Cr.P.C. provides for powers to the apex court to transfer criminal cases based on grounds provided under Section 406 of Cr.P.C., which read as follows:

> *"**406. Power of Supreme Court to transfer cases and appeals.***
>
> *(1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a Criminal Court subordinate to one High Court to another Criminal Court of equal or superior jurisdiction subordinate to another High Court.*
>
> *(2) The Supreme Court may act under this section only on the application of the Attorney- General of India or of a party interested, and every such application shall be made by motion, which shall, except when the applicant is the Attorney- General of India or the Advocate- General of the State, be supported by affidavit or affirmation.*
>
> *(3) Where any application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the*

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applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding one thousand rupees as it may consider appropriate In the circumstances of the case."

13. Section 406 of Cr.P.C. thus is clearly a provision providing for the right of seeking transfer of a criminal case/appeal on an application made by the Attorney General of India or of a 'party interested'. In the present case the State of U.P. is not a party interested as it is neither the victim/ accused/ investigating agency in Case No. 05/2019 pending before the District Judge, Mohali, Punjab. The manner in which the transfer of an investigation is being sought solely to obtain custody of the accused answering Respondent, lends more and credence to the apprehension of the Respondent that he would be killed if he is forced to attend trial physically in the state of U.P. The modus and manner in which the Petitioner is seeking custody of accused, by suppressing essential facts from this Hon'ble Court, is completely unknown to law and dehors all procedure prescribed under Cr.P.C.

14. A three judge bench of this Hon'ble Court in the case of **Nahar Singh Yadav & Others vs. Union of India & Ors**. had discussed

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the scope of transfer under Section 406 CrPC in the following terms: -

> *"22. It is, however, the trite law that power under Section 406 CrPC has to be construed strictly and is to be exercised sparingly and with great circumspection. It needs little emphasis that a prayer for transfer should be allowed only when there is a well-substantiated apprehension that justice will not be dispensed impartially, objectively and without any bias. In the absence of any material demonstrating such apprehension, this Court will not entertain application for transfer of a trial, as any transfer of trial from one State to another implicitly reflects upon the credibility of not only the entire State judiciary but also the prosecuting agency, which would include the Public Prosecutors as well."*

15. The above legal enunciations make it amply clear that transfer power under section 406 of the Code is to be invoked sparingly. Only when fair justice is in peril, a plea for transfer might be considered, which would also be made on behalf of the victims/ the accused or the witnesses. The court however will have to be fully satisfied that impartial trial is not possible. Equally important is to verify that the apprehension of not getting a level playing field, is based on some credible material and not just conjectures and surmises. These arguments of fair trial etc. are

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available to the accused and the witnesses. However, the Petitioners stand that case ought to be transferred to State of UP, to ensure personal attendance of cases in state of UP, is no ground for transfer covered under Section 406 of Cr.P.C.

16. The Answering Respondent further submits that for disputes between one State and another, a special provision has been made under Article 131 of the Constitution of India i.e. through an original suit before the Supreme Court of India. Thus this hybrid approach of writ petition read with Section 406 Cr.P.C. cannot be utilised in the manner, as sought to be done by the Petitioner. The present writ petition is completely misconceived, against legal provisions and deserves to be dismissed.

III. SUPPRESSION OF ESSENTIAL FACTS BY THE PETITIONER BEFORE THIS HON'BLE COURT

17. **Order passed by this Hon'ble Court granting liberty to seek hearing through video-conferencing**: The answering Respondent submits that the Petitioner is clearly guilty of *suppressio veri and suggestio falsi*, in the present case, as they have suppressed various essential facts in order to mislead this Hon'ble Court while issuing notice on 18.12.2020. The same are as follows:

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a. The Answering Respondent, on account of constant threat to his life from attending trial in the State of U.P., had on 23.1.2020 filed a transfer petition under Section 406 of Cr.P.C. before this Hon'ble Court, bearing T.P. (Crl.) Diary No. 3044 of 2020 seeking transfer of three criminal cases being (i) ST No. 304/2009 (titled State v. Brijesh Singh & Ors.) pending before the Special Court for MP/MLA, Allahabad, (ii) ST No. 125/2007 (titled State v. Brijesh Singh & Ors.) pending before the Special Court for MP/MLA, Lucknow and (iii) ST No. 1604 of 2006 State v. Mokhtar Ansari pending before the Special Court for MP/MLA, Agra, U.P. to the courts in NCR, Delhi.

b. In the said transfer petition this Hon'ble Court, considering the grave threat to life of the answering Respondent on account of the political undertones in the matter and taking into account the fact that he had already been given permission to appear through video-conferencing in Agra, had passed the following order on 7.2.2020:-

> *"We do not find any good ground to transfer criminal trials as prayed in the application. The transfer petition is, accordingly, dismissed. It shall, however, be open for the petitioner to request the Trial Court concerned to exempt*

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the personal presence of the petitioner and permit him to appear through video conferencing whenever his presence is required as has already been permitted in one of the trials as submitted by the counsel for the petitioner."

A copy of the order dated 7.2.2020 passed by this Hon'ble Court in T.P. (Crl.) Diary No. 3044 of 2020 filed by the Respondent No. 3 is annexed herewith and marked as **ANNEXURE R-1 (at page 56 to 57).**

18. **Permission to appear through video-conferencing already granted in 9 cases and application pending before Special Judge in remaining 1 case**: Thereafter, the Respondent had applied for permission to appear through video conferencing in all the 10 cases (mentioned at pg. D, as being basis for seeking the present transfer) and in 9 of these cases, the Respondent has already been granted liberty to appear through video conferencing by the concerned trial court and the Respondent has been participating in the said proceedings regularly. For remaining one case i.e. S.T. No. 22 of 2005 (i.e. at Serial No. 5 of the table at page D), the application for permission to appear through video-conferencing is filed and pending before the Special Judge (MP/MLA), where also the answering Respondents expects that request will not be unreasonably withheld. True translated copy of the orders passed

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in (i) Case No. 399/2010 (ST No. 130/2010) dated 15.12.2020 and 15.01.2021, (ii) Case No. 891/2010 (S.T. No. 6200002 of 2012) dated 11.2.2021, (iii) Case No. 1182/2009 (ST No. 10A/2010) dated 8.1.2021, (iv) Case No. 1051/2007 (ST No. 6200090/2012) dated 8.1.2021, (v) Case No. 377/1997 (ST No. 3541/2012) dated 24.12.2020, (vi) Case No. 229/91 (ST No. 265/2007) dated 6.1.2021, (vii) Case No. 482/2010 (ST No. 557/2012) dated 8.1.2021, (viii) Case No. 192/1996 (ST No. 620007/2012) dated 6.1.2021, and (ix) Case No. 20/2014 (ST No. 6200195/2018) dated 4.10.2018 passed by the Special Judge (MP/MLA) permitting appearance of Respondent No. 3 through video conferencing alongwith its true copy is annexed herewith and marked as **ANNEXURE R-2 (Colly) (at page 58 to 118)**

19. It is relevant to note that the conduct of the answering Respondent is shown from the fact that even after being incarcerated at the jail in Punjab, the answering Respondent has continued to attend the proceeding before the Special Judge, Lucknow in several cases and has also been acquitted in three such cases. The answering Respondent himself prays for an expedited trial through video-conferencing, so that all false cases filed against him may be brought to an end. The conduct of the

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Petitioner, in suppressing the above facts in order to give a wrong impression to this Hon'ble Court that the Respondent has sought to delay or evade the trial in any manner, reflects on the ill-will and malice involved.

20. **Statement u/s 313 CRPC recorded through video-conferencing**: The answering Respondent, pursuant to the liberty granted by this Hon'ble Court vide Order dated 7.2.2020 had applied for his statement under Section 313 Cr.P.C. to be recorded through video-conferencing, which was heavily contested by the counsel for the Petitioners, and after perusal of all facts the said applications were accepted by the Special Judge, Lucknow by passing the following order:-

> *"... It has also been told by the accused that in this regard State of Uttar Pradesh has currently approved the proposal to apply Uttar Pradesh State Court Video Conferencing Rules, 2020.*
>
> *.... It has been stated by the prosecution while forwarding the report of Sh. Duregesh Chandra Shrivastav, Inspector, Kotwali that at present fifth phase of opening the lockdown is going in the whole country, normal life is now become almost normal and traffic throughout the country, even the general election process/polling is going on.*
>
> *.... Offence committed by the accused Mukhtar Ansari is of serious nature and Proceedings of collecting the evidences are*

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still pending in the investigation. Therefore, judicial custody remand be granted to the accused by summoning him personally. Heard and perused the case file.

.....

ORDER

Application of the applicant/accused dated 21.09.2020 and application of the IO/Inspector are accepted in the matter that Supdt. District Jail Ropar, Punjab is directed that he make sure to produce the accused Mukhtar Ansari before Magistrate, Lucknow on dated 02.12.2020 through video conference at Link I.P. Address-10.135.82.242. The accused be produced with this application before V.C.R. Magistrate, Lucknow through video conference for proceeding as per law. It is also directed that if the remand is accepted by VCR Magistrate, Lucknow through Video Conferencing then in that case in the light of the facts and circumstances, the IO/Inspector in the light of the provisions of Section 167 of Criminal Procedure Code will be free to give appropriate/as desired application that the remand of the accused has been accepted by V.C.R. Magistrate, Lucknow under the provisions of Section 167 of Criminal Procedure Code, so that there is no obstruction in the collection / interpretation of evidence.....

True translated copy of orders dated 21.8.2020 (passed in Case No. 1818 of 2012 in FIR No. 131/2003), order dated 21.8.2020 (passed in Case No. 199/2000 in FIR No. 428/1999) and order dated 23.10.2020 (passed in Case FIR No.04/2020) and Order

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dated 27.11.2020 (passed in Case FIR no. 236/2020) are annexed herewith and marked as **ANNEXURE R-3 (Colly) (at page** 119 **to** 153**)**

21. **Respondent appearing continuously and also acquitted in 3 cases attending trial through video-conferencing**: The answering Respondent continuously participated in the trial which also led to his acquitting in three of the cases, as mentioned above, being conducted through video-conferencing. True translated copy of Order dated 23.12.2020 passed in Crl. Case No. 970 of 2018 (FIR No. 126/1999) by the Special Judge MP/MLA, Lucknow is annexed herewith and marked as **ANNEXURE R-4 (at page** 154 **to** 186**)**. True translated copy of Order dated 23.12.2020 passed in Criminal case No.199/2000 (FIR No. 428 of 2019) under Section 2/3 of Gangster Act IPC is annexed herewith and marked as **ANNEXURE R-5 (at page** 187 **to** 253**).** True translated copy of Order dated 23.12.2020 passed in Criminal case No. 1818/2012 (FIR No. 131 of 2003) is annexed herewith and marked as **ANNEXURE R-6 (at page** 254 **to** 289**)**

22. **Continuous presence of Respondent through counsels in table of cases at pg. H**: In the table appended by the Petitioners at page H of the writ to establish that they have been trying to obtain

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custody of the answering Respondent, the Petitioners once again did not mention that the said dates were prior to the order dated 7.2.2020 passed by this Hon'ble Court, after which permissions have been granted to Respondent to appear through video-conferencing in almost all the matters.

23. Specifically for ST No. 130/2010 in Case Crime No. 399/2010, which has been highlighted in the table at page H from S.N. 1-22 to show that Respondent has evaded custody, it is to be noted that this matter has been heard in full on two previous occasions and is now being reheard for the third time on account of transfer of the first two Learned Judges hearing the matter. The answering Respondent has been represented through Senior Advocates before the Court and has concluded arguments in both the first rounds. Currently, arguments of prosecution are going on. Even as per latest orders dated 15.12.2020, 17.12.2020, 21.12.2020, it is made very clear that the answering Respondents is appearing before the special judge through a counsel, as it is at the stage of argument, when personal presence of Respondent is not required. In the hearing dated 21.12.2020, the order clearly records the above:-

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"Counsels are present on behalf of the accused Mukhtar Ansari. This has also been placed by them before the Court that the case file at this time is at the stage of argument. Therefore, it is not necessary to call the accused Mukhtar Ansari through video conferencing on which no objection was raised on behalf of the Prosecution. Therefore, till further order accused Mukhtar Ansari and other accused persons be present through Ld. Counsel"

True translated copy of Orders dated 17.12.2020 and 21.12.2020 passed in Case Crime No.399/2010 by the Presiding Officer Special Judge (M.P./MLA) Allahabad are annexed herewith and marked as **ANNEXURE R-7 (at page** 290 **to** 295 **)**

24. It has always been the case of the answering Respondent that it is ready to participate in all pending trial before the Special Judge (MP/MLA), however on account of grave threat to his life, the said appearance should be permitted through video conferencing. Video-conferencing facilities are available at the court of Special Judge (MP/MLA), Allahabad, and thus repeated insistence on personal presence of Respondent No. 3, casts huge doubts on the intentions of the Petitioner. In order to consolidate, unify and streamline the procedure relating to use of video-conferencing for courts, the Allahabad High Court in exercise of powers under Article 225 and 227 of the Constitution, has made the Rules for Video Conferencing for Courts in the State of Uttar Pradesh, 2020

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which was approved and notified on 27.11.2020. The answering Respondent, has cogent reasons, as detailed in paragraphs below, to fear personal presence in State of U.P.

25. **Permission to appear through video-conferencing also granted in new cases lodged against the Respondent No. 3:-** The Respondent submits that the three new cases have been filed against the Respondent No. 1 which are pending in the Courts in U.P. In two such cases i.e. (1) FIR No. 236/2020 U/s 420, 467, 468, 471, 120B IPC & 3 PP Act P.S. Hajratganj, Lucknow and (2) FIR No. 04/2020 U/s 419, 420, 467, 468, 471, 120B IPC P.S. Dakshan Tola, District Mau, permission has been granted by the trial court to appear through video-conferencing and in the third case i.e. (3) FIR No. 160/2020 U/s 3(1) Gangster Act, P.S. Tarwan (Azamgarh), application to appear through video-conferencing is pending.

26. **Admission on part of Petitioner that continuous attendance of Respondent through video-conferencing**: In page G of the Writ, the Petitioners have themselves admitted that *"On the basis of the information received, it appears that the accused Respondent No. 3 appears through video conferencing after every 15 days in the Court of Judicial Magistrate, Mohali, Punjab."* Thus, there is no occasion to

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resist the appearance of the Petitioner through video conferencing in the matters pending in the State of U.P. The State of U.P. is seeking the custody of the Respondent merely so that he can be killed when he is brought to the State of U.P., as detailed below there is grave threat and impending danger to the life of the Respondent in the State of U.P. under the present political regime. The present writ petition is merely to seek a death warrant on the life of the Respondent No. 3 herein.

27. In any case the Respondent has been informed that from the Banda jail no accused are being made to appear in person, in the present times and all matters are being taken up through video conferencing, to avoid the spread of corona virus. As on date, no transfer request is pending with the jail at Punjab.

IV. MEDICAL CONDITION OF THE ANSWERING RESPONDENT:

28. That that the Respondent is around 65 years old and is suffering from diseases, including high blood pressure and diabetes and during his prison tenure, he had suffered from cardiac arrest two times and even had to undergo angiography. Due to the previous serious/ fatal accident met by him, his backbone has been dislocated for which he is getting treatment, however, he is

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unable to move on account of this backbone injury. Also, due to the mental harassment caused to him, he is suffering from depression. For all these reasons, the Doctor and Medical Board had advised the Respondent to take complete bed rest for several months, which was also approved from PGI Chandigarh. The said document was already placed and is available in the record of the ST No. 130/ 2010, titled as State Vs. Mukhtar Ansari, under section 302/ 307/ 120B/ 34 IPC and 7 CLA Act, FIR No. 399/ 2010 Police Station - South Tola District - Mau. Thus, relevant facts have not been brought before this Hon'ble Court in the present writ petition.

V. POLITICAL BACKGROUND OF RESPONDENT NO. 3:

29. The Respondent No. 3 had been the elected as sitting MLA of Uttar Pradesh from the constituency of Mau for a record number of 5 times from the Bahujan Samaj Party (BSP). The Respondent is the grandson of the late doctor Mukhtar Ahmad Ansari who was a freedom fighter, the President of India National Congress (1927-1928) and also one of the founder members of Jamia Milia Islamia University. The Respondent is part of a family which has made immense contribution to the Indian freedom movement and has given India many leaders in the form of Shri Muhammad

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Hamid Ansari who was the vice president of India, Shri Baba Shaukatullah Ansari who served as the Governor for the State of Odisha Hon'ble Mr. Justice Asif Ansari who was the judge of the Hon'ble High Court at Allahabad and the Respondent's own father, late Shri Subhanullah Ansari who was a freedom fighter and a social worker. Further, the Respondent's maternal grand-father is Martyr Brigadier Usman Ansari who served in the Indian Army and sacrificed his life in fighting in the Indo-Pak war in Naushera Border Kashmir on 3rd July 1948. He was awarded Mahavir Chakra after his death in war.

MULTIPLE ATTEMPTS MADE ON THE LIFE OF RESPONDENT NO. 3 - PERSISTENT THREAT TO LIFE IN STATE OF U.P.:

30. Due to the Respondent's political history, there have been several attempts on his life by rival political enemies belonging to the ruling government in Uttar Pradesh, on multiple occasions. The following instances will prove that there is a genuine, persistent and grave threat to the life of Respondent No. 3 in the State of Uttar Pradesh, on account of which his trial ought to be continued through video-conferencing:

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a. On 15.7.2001, there was an attack on the Respondent's envoy while he was going to attend a public meeting by Shri Brijesh Singh (Member of the Legislative Council, U.P., under the BJP Government) and Shri Tribhuvan Singh along with their associates, who tried to kill the Respondent. The attack took the life of 3 innocent people who were accompanying the Respondent and one of them was a Government servant who was engaged to ensure the safety of the Respondent, however, the Respondent miraculously survived. It is humbly submitted, that this attack was carried out in broad daylight and is well documented by various newspapers and other public documents of that time. An FIR bearing Crime No. 251 of 2007 was also filed by the Respondent against Brijesh Singh and others under Section 147, 148, 149, 302, 307, 120B, 427 IPC. In the said FIR the investigation was concluded and a chargesheet submitted on 16.10.2001 against Brijesh Singh, Tribhuvan Singh and others who are absconding. True translated copy of chargesheet dated 16.10.2001 in Crime No. 251 of 2001 is annexed herewith and marked as **ANNEXURE R-8 (at page** 296 **to** 300 **)** On 11.1.2013, the Learned Sessions Judge has framed charges

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against accused persons including Brijesh Singh and Tribhuvan Singh.

b. Similarly, again on 13.1.2004 there was a direct attack on not just the Respondent but this time also on the Respondent's family which included his elder brother, who is also a Member of Parliament from Ghazipur, by the same set of people i.e. Brijesh Singh and Tribhuvan Singh and others for which FIR bearing Case Crime No. 9 of 2004 was registered at P.S. Cantt. Lucknow. In the said case a chargesheet dated 1.12.2006 has been filed under Section 147, 148, 149, 307, 427 IPC against Brijesh Singh, Tribhuvan Singh and others. True translated copy of chargesheet dated 1.12.2006 in Case Crime No. 9 of 2004 is annexed herewith and marked as **ANNEXURE R-9 (at page 301 to 305)**.

c. The mafia don Brijesh Singh is a professional criminal who was absconding for about 20 years and was arrested from State of Orissa by the Special Cell Delhi Police on 23.1.2008. He was the main accused in Sikaraura Village mass murder case in which six persons were ghastly murdered, and in Virendra Tata murder case for killing of four persons, Pakdi mass murder case where 8 people were killed and 20 people

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were injured. A chart showing the criminal history of Brijesh Singh filed by the Special Cell Delhi Police in FIR No. 69 of 2007 is annexed herewith and marked as **ANNEXURE R-10 (at page 306 to 311)**

d. The political rivalry between Brijesh Singh and the Respondent is well known in the State of Uttar Pradesh and associates of Brijesh Singh have been blatantly making public statements to take the Respondent's life. It is not out of place to mention here that a conspiracy has also been hatched by Brijesh Singh and his associates to eliminate the Respondent, which is confirmed from the statements of one Sachidanand @ Lambu Sharma recorded by Special Cell, Delhi Police. True translated copy of the statement of Sachidanand Sharma @ Lambu Sharma recorded by Delhi Police in DD No. 17 dated 23.6.2015 is annexed herewith and marked as **ANNEXURE R-11 (at page 312 to 316)**

e. The Respondent was an accused in the murder of BJP leader Mr. Krishnanand Rai, however, he was later acquitted in 2019. There is much animosity in the ruling party on account of the same and openly members of ruling party have made statements about taking the life of the Respondent. The

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Respondents co-accused in the said matter one Prem Prakash Singh @ Munna Bajrangi (who was also acquitted) was planned to be shifted to District Jail Baghpat. An application on behalf of Munna Bajrangi was filed to produce him in the Court from District Jail with police protection as he was apprehending State sponsored encounter. On 9.7.2018 Munna Bajrangi, under the pretext of being shifted from one jail to another under a "TALABI" warrant was found murdered within the jail. The Answering Respondent fears that he would meet with the same fate.

f. Since the main accused in both the cases where Respondent is the first informant i.e. Shri Brijesh Singh has become the Member of the Legislative Council in the State of Uttar Pradesh representing the BJP Government and in doing so, has garnered an unsurmountable amount of influence and public money which has been used to shelter not only himself but the other perpetrators of the crimes as recorded in the cases.

g. The real nephew of Brijesh Singh namely one Sushil Singh, despite having criminal record and antecedents of 2 dozen cases, has also become an MLA upon BJP ticket from

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constituency Saiyadraja in District Chaundauli. The State of Uttar Pradesh is under the rule of BJP party. Mafia Don Brijesh Singh and his nephew Sushil Singh are being sheltered by the State of U.P. The cases filed against Mafia Brijesh Singh and his nephew Sushil Singh, which are at the stage of prosecution evidence and in which the Respondent is the first informant and eyewitness (i.e. Cases pertaining to Crime No. 251/2001 registered at PS Mohammadabad and Crime No. 9/2004 registered at PS Cantt. Lucknow), have been deliberately and unnecessarily being delayed at the instance of these two persons i.e. the Mafia Brijesh Singh and his nephew Sushil Singh. All kind of pressure and tactics is being exerted and created upon the Respondent for turning him hostile in the cases. The Respondent and eye-witnesses of the cases refused to turn hostile, therefore now due to the fear of conviction, Brijesh Singh in connivance with the State of U.P. has conspired to kill the Respondent through State sponsored encounter/ actions. Brijesh Singh being hand in gloves with the State of UP is being provided all kinds of aid and support to eliminate Respondent. The above factors clearly show constant outside interference in the trial of the

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Respondent cases as well as impending threat to the life of the Respondent if he is to enter the State of Uttar Pradesh.

h. **Unwarranted stress on physical presence in U.P. - despite orders to appear through video-conferencing - undue interference by officers of Special Task Force:** The Respondent is facing trial in a certain case in Agra bearing case no. 1604/2006 pertaining to Crime No. 60/99 u/s 420, 419, 109, 120B IPC registered at PS Jagdish Pura, District Agra ("**Agra Case**"). In order to protect his life and personal liberty, the Respondent by way of an application dated 5.10.2019 prayed before the Hon'ble Judge to allow the Respondent to appear for trial through the medium of video conferencing. Such a prayer was necessitated in lieu of the previous attacks specifically targeting the Respondent's life while he was travelling thereby rendering all forms of travel under the supervision of the State, as extremely dangerous. It is humbly submitted, that the Hon'ble Judge by way of an order dated 5.10.2019 was pleased to consider the Respondent's prayer of being present for the trial through the medium of video conferencing and accordingly, allowed the same. True translated copy of the application dated 5.10.2019

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and order dated 5.10.2019 passed by the Spl. Judge MP/MLA, Agra in Case No. 1604/2006 is annexed herewith and marked as **ANNEXURE R-12 (at page** 317 **to** 321 **)**

i. Despite, the Ld. Judge allowing the Respondent to appear for trial in the Agra Case through video conferencing, Shri Amitabh Yash, Inspector General, Special Task Force, State of Uttar Pradesh vehemently insisted on the Respondent's physical presence for reasons best known to him. He has in fact, written letters to the Superintendent of Police, Agra stressing on the Respondent's physical presence in the trial. The same approach is being employed in the present case as well.

j. It may be noted that the Agra case was being investigated by the local police and the Special Task Force had nothing to do with the case or the Respondent. Thus, the interest and interference of Shri Amitabh Yash, Inspector General, Special Task Force in the case of the Respondent goes onto show that there are various actors constantly trying to exert influence on the outcome of the trial of the Respondents case and to constantly create situations where Respondent is physically produced and can be endangered.

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k. **Open threats made by members of ruling party to take the life of the Respondent**: There have been several instances where open threats have been made to the life of the Respondent at political speeches and other functions wherein high ranking dignitaries of the present political ruling party have been present.

i. On the death anniversary of Shri Krishnanand Rai, who served as a MLA of UP representing Mohammadabad (for whose murder the Respondent was tried as an accused and acquitted in 2019), Shri Sushil Singh (nephew of Brijesh Singh) who is an elected and sitting MLA of Uttar Pradesh from BJP, has gone to the extent of declaring that people like the Respondent should be shot down and if they are killed there will be no one held responsible for the same. It was shocking and pitiful that such statements were made in public where even Mr. Manoj Sinha, BJP (MP) and Union Minister of State (Railways) (who was the star witness in Krishnanad Rai Murder case against the Respondent) was present on the dais. The said speech was widely circulated and reported in the media and through other platform like Facebook and so on. True

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translated transcription of the relevant portion of news of Samachar Plus News Channel covering the speech of Sushil Singh is annexed herewith and marked as **ANNEXURE R-13 (at page 322 to ____)**

l. Thus, it is a known fact in the State of Uttar Pradesh that since the political rivals of the Respondent have come into power they have been using their influence and exerting pressure through various State Agencies to ensure that there is constant interference in the cases of the Respondent and a hanging threat to his life of the Respondent and there are very high chances that he will be eliminated at the first chance that they may get.

m. The Respondent is under constant danger to his life and had given various complaints from the jail through jail authorities on 2.11.2019 to the Hon'ble President of India, NHRC Delhi, Minority Commission Delhi and other authorities regarding danger to his life. Under the present conditions, the statement of Respondent is to be recorded as first informant in a case against Brijesh Singh of the Ruling Party, it is most fair and just that the Respondent ought to be permitted to

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continue to appear through video conferencing and not be coerced into being physically present at the Court in U.P.

n. The Respondent submits that undue harassment is being caused to the family members of the answering Respondent by filing of multiple FIRs, including those under Gangster Act against his wife and his sons who are aged 28 and 21 years respectively. A criminal colour is sought to be given to properties legally acquired by the Respondent and his family under these multiple bogus FIRs solely in order to harass the Respondent and to force him to travel to the State of U.P. Four properties including a house belonging to the Respondent were razed to the ground by getting bulldozers on the spots, without following any procedure prescribed in law. The Respondent's wife and children were constrained to move out of Uttar Pradesh on account of the malicious prosecutions being carried out against them over the past four months and are running from pillar to post to seek a quashing of these frivolous complaints filed against them.

o. It is respectfully submitted that owing to the lack of safeguards and the reasonable apprehension in the mind of the Respondent that the courts in the State of Uttar Pradesh

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will not be able to decide the cases in a fair and non-partisan manner, the Respondent had sought for a transfer of the cases. Considering the pleas made by the Respondent, this Hon'ble Court had accordingly permitted him to appear through video-conferencing.

p. **Intimation of key witnesses in pending cases against Brijesh Singh (BJP MLA) where Respondent No. 3 is first informant**: Shri Brijesh Singh and his associates are making every attempt possible to intimidate eye-witnesses of Case ST No. 304/2009 arising out of Crime No. 251/2001 and turn them hostile.

i. On multiple occasions the prosecution witnesses in the cases have prayed before the Ld. Judge to accord them with witness protection.

ii. These witnesses have also highlighted instances to the trial court wherein they have faced the entire spectrum of witness harassment starting from petty cajoling and bribery to direct threats on their life and their families' lives.

iii. Prayers were made before the High Court at Allahabad by way of Writ Petitions bearing Writ C No. 8561/2019,

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Writ C No. 10453/2019, Writ C No. 11301/2019, Writ C. No. 12233/2019 filed by eye-witnesses pointing out that no security has been provided to them, the Allahabad High Court vide order dated 12.3.2019, 30.3.2019, 2.4.2019 and 9.4.2019 passed in the writ petitions respectively was pleased to direct Superintendent of Police, Ghazipur to consider the cause of witnesses.

iv. However, despite court orders, these witness protection orders were never complied with in letter and spirit and to create a mere façade, the Respondents herein, withdrew the security of the witnesses and provided security only on the date when they are called to give their evidence by the trial court.

v. The High Court at Allahabad, vide Order dated 26.7.2019 in Writ C No. 24444/2019 had thereafter directed that the grant of security may be provided to the witnesses immediately and should ensure the protection of their life and liberty as earlier provided under the order dated 2.4.2019 passed in Writ Petition No. 11301/2019.

vi. During the remaining times, these witnesses are exposed to the intimidation and threatening tactics of Brijesh Singh

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and others. At present, only one witness out of the 10 witnesses have been provided with the protection

q. **Complete disregard for law and applicable procedures on account of external political influences:** The Respondent submits that there is a complete breakdown of the state machinery of Uttar Pradesh as on more than one occasion various state actors, in other similarly situated cases wherein the rivals of Brijesh Singh were involved, have acted with tepidity and absolute disregard of the law.

i. On 9.7.2018 Shri Prem Prakash Singh @ Munna Bajrangi, under the pretext of being shifted from one jail to another under a "TALABI" warrant was found murdered within the jail. It may be noted that Shri Prem Prakash Singh @ Munna Bajrangi, was a co-accused in Krishnanand Rai murder case along with the Respondent, which has been acquitted later on.

ii. Despite several letters and requests made by Shri Prem Prakash Singh @ Munna Bajrangi, and his family members informing the State Government as well as various other authorities of the impending threat to his life no action was taken by the State Authorities and he

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was brutally murdered inside the jail premises. The said incident was widely reported in the media and although an FIR has been registered in the said case no substantial progress has been made in the investigation and there are clear attempts to cover up the said incident owing to the pressure exerted by the State Authorities.

iii. Given these compelling circumstances, the Respondent's wife named Mrs. Afshan Ansari has also sent written complaints to the Hon'ble the President of India, the Hon'ble Chief Justice of India, Hon'ble Human Rights Commission, New Delhi, Hon'ble Chief Minister, State of Uttar Pradesh and other Hon'ble Authorities informing them about all the facts and circumstances and happenings and thereby prayed for security of life, but no effective action has been taken by them. True translated copy of the letter dated 10.9.2018 sent by wife of Respondent No. 3 Mrs. Afshan Ansari to the President of India is annexed herewith and marked as **ANNEXURE R-14 (at page 323 to 337)**

iv. At this juncture, it is important to note that leaders of the incumbent government have also been quoted saying the

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murder of the Respondent will be next after that of Shri Prem Prakash Singh @ Munna Bajrangi. Further, questions such as the manner in which unidentified guns and weaponry could enter the prison premises, Shri Prem Prakash Singh @ Munna Bajrangi's illegitimate prison transfer and the disregard of the constant representations made by Shri Prem Prakash Singh's wife are still unanswered.

v. In another case, an undertrial Shahnawaz was brought by the Delhi police from Tihar Jail and he was produced in custody before the Court of Learned Chief Judicial Magistrate, Bijnor. However, he was murdered in broad day light within the confines of the Court.

vi. Lastly, such failure of the State machinery is manifest in these cases as on multiple accounts various judges have recused themselves from hearing the bail application in the Allahabad High Court. In a very strange scenario in a Bail Application of the Respondent being Cr. Misc. Bail Application (Bail) - 1966/2019, on 13.2.2019, the Hon'ble judge after pronouncing the order in open court and having disposed of the bail application as was evident

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from the case status uploaded on the website, for reasons best known to him, recused himself from the case without signing the order. The order that was thus pronounced in open court in the presence of the lawyers of the Respondent never saw light of the day. The Respondent had luckily managed to get a screenshot of the case status as was uploaded on the High Court website which showed the matter as "case disposed" "allowed/partly allowed on merits", however no order to that effect could be found and the next listing was before another judge.

vii. This adequately demonstrates complete lawlessness and undue political influence being exercised in State of Uttar Pradesh and the ill fate of the political rivals of Shri Brijesh Singh if they are made to undergo proceedings within the State of Uttar Pradesh.

viii. The answering Respondent is ready and willing to attend all trials and seeks a time bound disposition of the same, as he has been languishing in jail since 25.10.2005. However these trials ought to be conducted through video-conferencing to afford the Respondent of having a free and fair trial.

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VI. VIDEO-CONFERENCING HAS BEEN GRANTED BY THIS HON'BLE COURT IN CASES WHERE THREAT TO LIFE OF ACCUSED:

31. This Hon'ble Court has in several cases permitted the accused through video conferencing where there is a threat to the life of the accused. In the case of Anwar Khan v. State of Madhya Pradesh, this Hon'ble Court had permitted the eyewitness to give his evidence through video conferencing as there was a threat to his life and it was not possible for him to go to the court and depose. A copy of the Order dated 17.5.2018 passed in SLP (Crl.) No. 3928 of 2018 tiled Anwar Khan v. State of Madhya Pradesh is annexed herewith and marked as **ANNEXURE R-15 (at page** 338 **to** 339 **)**

32. In another case of M.P. Ateeq Ahmad, this Hon'ble Court had directed the accused to be shifted to a jail in Gujarat, on account of laxity in behaviour of the Uttar Pradesh police officers, in the Deoria jail. The trial in the said matter is continuing in the State of U.P. where the accused is appearing from the jail in Gujarat. This was also done to ensure protection to the witnesses involved in the matter. True copy of Order dated 23.4.2019 passed by this Hon'ble Court in Writ Petition(s) (C) No. 699/2016 (titled

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Ashwini Kumar Upadhyay & Ors. v. Union of India & Ors.) is annexed herewith and marked as **ANNEXURE R-16 (at page** 340 **to** 345**)**

33. The present is a case, wherein despite protective orders being passed by the Hon'ble High Court at Allahabad, the reasonable apprehension of bias still exists in the mind of the Respondent owing to the absolute disregard shown by the state authorities in granting witness protection as well failure of State Government in protecting co-accused Munna Bajrangi and other under trial prisoners. In the case of "Gurcharan Das Chaddha vs. State of Rajasthan" AIR 1975 SC 1895 it was held that the Petitioner need not necessarily demonstrate that justice will inevitably fail. The Respondent is entitled to protection as he has demonstrated a reasonable apprehension in the given set of circumstances and if the proceedings are allowed to be carried on in the State of Uttar Pradesh justice will become a casualty.

PARAWISE REPLY

34. That the contents of Para 1 are denied by the answering Respondent as for the reasons already stated above, the present writ being filed by State of UP is not maintainable. The answering Respondent has obtained permission to appear through video-

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conferencing in 9 of the 10 cases shown by the Petitioner and is appearing regularly. These facts have suppressed by the Petitioner before this Hon'ble Court. There is no attempt on part of Respondent to 'escape clutches of law' as he is willing and ready to participate in all trials. Appearing through video-conferencing is a prescribed/permissible method in cases where accused fears threat to his life. The Respondents life is in grave danger in State of UP and open threats from members of ruling party in BJP have been made to Respondent, which are also documented, which proves that the threat is actual.

35. That the contents of Para 2 are denied by the answering Respondent as the ground for transfer alleged by the Petitioner being *"to expedite the trial of the large number of cases pending before the Court of Special Judge MP/MLA at Allahabad"* is no ground envisaged under Section 406 of Cr.P.C. Furthermore, the co-accused of answering Respondent one Munna Bajrangi (in murder case of Krishnanand Rai - BJP leader) was killed under mysterious circumstances while allegedly transferring him from one jail to another, and Respondent is also being personally called so that he can meet the same fate.

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36. That the contents of Para 3 is denied by the answering Respondent as the remedy under Article 32 is not available to the Petitioner. Furthermore, in the present case the Petitioner has not espoused any claim on behalf of the citizens in seeking to invoke Art. 32 and has merely alleged that being the jurisdictional federal unit, Respondent No. 3 is required to be present. It is unknown in law that a State claiming to be a 'jurisdictional federal unit' solely on account of the number of cases pending in that State and to the exclusion of another state trying the offences. Furthermore, the insistence on personal presence of answering Respondent is solely to carry out a State sponsored encounter.

37. That the contents of Para 4, 5 and 6 do not merit a response from the answering Respondent.

38. In response to Para 7, the answering Respondent submits that he has already been given permission by the concerned trial courts to appear through video conferencing in 9 of the 10 cases mentioned in this paragraph and for the remaining 1 i.e. at Sr. 5, the application for appearing through video conferencing is pending before the trial court and Respondent expects that it would not be unreasonably withheld. The answering

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Respondent has been regularly appearing in all matters as and when the dates are fixed.

39. That the contents of Para 8 - 10 are denied by the Answering Respondent as no delaying tactics are being employed whatsoever. There is no conspiracy between the Respondent and the State of Punjab as alleged by the Petitioner.

40. That the contents of Para 11 - 15 are denied by the Respondent as Petitioner is making incorrect allegations against the Respondent authorities and the answering Respondent, solely to achieve custody of the Answering Respondent and causing danger to his life. The Respondent No. 3 is scared for his life and thus is seeking the trial may be concluded through video conferencing expeditiously, as has already been done in 3 cases by the Special Judge (MP/MLA), Lucknow. The Petitioner admits that Respondent is regularly appearing through video-conferencing before Judicial Magistrate, Mohali, Punjab, however for purpose of trials in UP is alleging that Respondent is fit and thus should be physically handed over. No reason has been given as to why Respondent cannot continue to appear through video-conferencing in trials in UP.

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41. In response to Para 16 and 17, the answering Respondent submits that he is around 65 years old and is suffering from diseases, including high blood pressure and diabetes and during his prison tenure, he had suffered from cardiac arrest two times and even had to undergo angiography. Due to the previous serious/ fatal accident met by him, his backbone has been dislocated for which he is getting treatment, however, he is unable to move on account of this backbone injury. Also, due to the mental harassment caused to him, he is suffering from depression. For all these reasons, the Doctor and Medical Board had advised the Respondent to take complete bed rest for several months, and so has the PGI Chandigarh. The said documents cannot be doubted by the Petitioner in this manner. In any case, for S.N. 1-22, pertaining to ST No. 130/2010, the case is at argument stage and Respondent is already appearing through counsel. True copy of medical reports of Respondent No. 3 is annexed herewith and marked as **ANNEXURE R-17 (at page** 346 **to** 362**)**.

42. That the contents of Para 18 are matter of record and thus do not merit a response from the Respondent.

43. That the contents of Para 19 and 20 are denied by the answering Respondent as he is diligently appearing before the Special Judge (MP/MLA) on all occasions through video conferencing. The

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Respondent ought not to be brought physically to the State of U.P. as it will amount to being a death warrant for him. There are several cogent reasons for the Respondent to believe that his life is in danger. The answering Respondent is also interested in an expeditious and time bound disposal of the matter pending before the Special Judge MP/MLA as he has been in jail since the year 2005.

44. That the contents of Para 21 are denied by the Respondent as no grounds have been raised by the Petitioners which merit an interference by this Hon'ble Court in the impugned order. The Respondent denies each and every ground raised in the present petition for the following reasons:-

45. **Ground A:** The contents of Ground A do not merit a response from the answering Respondent.

46. **Ground B & C:** The contents of Ground B and C are denied by the answering Respondent as fair trial requires that an environment free from fear ought to be provided to the accused and the witnesses. The Petitioner has no right to seek attendance of the answering Respondent at the risk of grave threat to his life. There is no abuse of federal processes as alleged by the Petitioner.

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47. **Ground D & E:** The contents of Ground D and E are denied by the answering Respondent as the state is bound to ensure free and fair trial which is not possible in the present case on account of the actual threat to life of Respondent in the State of U.P. The Respondent is a citizen of India and merits a fair trial under Article 21 of Constitution of India, it cannot be stated that since it is a crime against the State, the Respondent ought to be transferred to State of U.P. for a state sponsored encounter.

48. **Ground F & G:** The contents of Ground F and G are denied by the answering Respondent as the Respondent is not employing any delaying tactics and in fact is praying for expedited trial as he is himself in jail since 2005. The chart annexed by the Petitioner has failed to disclose that the Respondent has been granted liberty to appear through video-conferencing in 9 of the 10 cases listed in the table, and there has been attendance by the Respondent also through his senior Advocate.

49. **Ground H:** The contents of Ground H are denied by the answering Respondent as the Petitioner is making incorrect allegations of conspiracy between the Respondent State of Punjab and Answering Respondent. The Petitioner's insistence on personal appearance of the Respondent in State of U.P. itself

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gives credence to the fact that his life is in grave danger and he will be killed if he is physically produced in State of U.P.

50. **Ground I:** The contents of Ground I are denied by the answering Respondent as grave prejudice will be caused to the Respondent if the case is transferred to State of U.P. as these efforts are being made solely to seek custody of the Respondent, from which this Hon'ble Court had protected the Respondent on 7.2.2020. Thus, a personal custody of the Respondent is being sought vide one way or the other, solely to have been killed.

51. **Ground J & K:** The contents of Ground J and K are denied by the answering Respondent as he is 65 years old and suffers from various ailments. He had produced the relevant medical certificates issued by Medical Board and PGI, the veracity of which has not been doubted by the Petitioner. In any case, Petitioner has admitted in para I that Respondent is appearing through video-conferencing after every 15 days in the Court of Judicial Magistrate, Mohali, thus similarly the Respondent will also appear and participate in all trials before Special Judge, MP/MLA, Allahabad.

52. **Ground L & M:** The contents of Ground L and M are denied by the answering Respondent as he is still suffering from several

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ailments and the threat to his life continues in the State of U.P. If conclusion of trial is the actual intention of the Petitioner, the Respondent is ready, willing and will appear before the Special Judge, MP/MLA, Allahabad on all dates as are fixed by the trial court, through video-conferencing. The overt attempts being made by the Petitioner to get the custody of the Answering Respondent itself casts doubt on the motives of the Petitioner.

53. **Ground N & O:** In response to the contents of Ground N and O, the Respondent submits that he himself prays that the trial of criminal cases pending against him may be expedited in light of orders passed by this Hon'ble Court in Ashwini Kumar Upadhyay & Ors. v. Union of India, Writ Petition (C) No. 699/2016. The Petitioner instead of seeking to get the custody of the Respondent, should conclude the arguments before the trial court in an expeditious manner so that these trials can be concluded. In most cases, the delay has been caused on account of prosecution or witnesses not being available, which cannot be attributed to the answering Respondent.

54. **Ground P:** The contents of Ground P are denied by the answering Respondent as he is not delaying any criminal cases from reaching their conclusion. In fact he has attended and

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participated in proceedings diligently. There is no abuse of process by the Respondent No. 3. However, on account of the grave and actual threat to his life in the State of U.P., he prays that the trials may be conducted and concluded through video-conferencing in accordance with the permissions already granted by the trial court in the respective cases.

55. That the contents of Para 22 are denied by the answering Respondent to the extent that they seek a transfer of the Respondent to expedite the trial.

56. That the contents of Para 23 and 24 do not merit a response from the answering Respondent.

57. That the contents of Para 25 are denied by the answering Respondent as there is no deliberate attempt on his part to avoid coming to face trials in U.P.

58. That the contents of Para 26 do not merit a response from the answering Respondent.

59. In the circumstances, the Respondent respectfully prays that the above writ petition be dismissed with costs.

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60. That the Respondent submits that all the statements made in the foregoing Counter are true and correct to my knowledge. No part of it is false and nothing material has been concealed there-from.

AND FOR THIS ACT OF KINDNESS THE HUMBLE RESPONDENT AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY:

PARUL SHUKLA
ADVOCATE FOR THE RESPONDENT NO. 3

FILED ON: 25.01.2021
NEW DELHI

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IN THE SUPREME COURT OF INDIA

(CRIMINAL APPELLATE JURISDICTION)

WRIT PETITION (Crl.) No. 409/2020

IN THE MATTER OF:-

The State of Uttar Pradesh ... Petitioner

Versus

Jail Superintendent (Ropar) & Ors. ... Respondent

AFFIDAVIT

I, Umar Ansari S/o Mokhtar Ansari, aged about 23 years, R/o H.No. 9/111-A, Ganpati Niwas, Kishangarh, Vasant Kunj, South West Delhi, Delhi-110070, do hereby solemnly affirm and state as under:-

1. That I am the son/pairokar of Respondent No. 3 in the abovesaid matter and I am well conversant with the facts and circumstances of the case and as such I am fully competent to swear this affidavit.

2. That I have read and understood the contents of accompanying counter and I.As. and say that the facts stated therein are true and correct to best of my knowledge and belief.

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3. I also state that the copies of the documents filed alongwith accompanying counter are true copies of their respective originals.



DEPONENT

VERIFICATION:

I the abovenamed deponent, do hereby solemnly verify that the contents of the aforesaid affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed therefrom.

Verified at New Delhi on this 25th day of January, 2021.



DEPONENT

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ANNEXURE R-1

ITEM NO.64 COURT NO.9 SECTION XVI-A

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

TRANSFER PETITION (CRIMINAL) Diary No(s). 3044/2020

MOKHTAR ANSARI Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS. ETC. Respondent(s)
(FOR IA No.18250/2020-EX-PARTE STAY and IA No.18251/2020-EXEMPTION FROM FILING O.T. and IA No.18247/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 07-02-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Jubair Ahmad Khan, Adv.
Mr. Zaid Ali Subzposh, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Mr. Sangeet Singh, Adv.
Mr. Shraveen Kumar Verma, Adv.
Ms. Twinkle, Adv.
Mr. Irfan Ahmed, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Permission to file transfer petition is granted.

We do not find any good ground to transfer criminal trials as prayed in the application. The transfer petition is, accordingly, dismissed. It shall, however, be open for the petitioner to request the Trial Court concerned to exempt the personal presence of the petitioner and permit him to appear through video conferencing whenever his presence is required as has already been permitted in one of the trials as submitted by the counsel for the

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petitioner. 57

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
AR-CUM-PS

(RENU KAPOOR)
COURT MASTER

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ANNEXURE R-2

	Before the Special Judge MP/ MLA, Allahabad Special S.T. N – 130/2010 Case No. 399/2010 State Vs. Mukhtar Ansari U/s 302, 307, 120B, 34 IPC & 7 CLA Act Police Station – South Tola, District- Mau Order sheet from 12.11.2020 to 15.1.2021

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1. Sessions Trial No.130/2010
   State Versus Mukhtar Ansari
2. Sessions Trial No.130A/2010
   State Versus Rakesh Kumar Pandey
3. Sessions Trial No.166/2011
   State Versus Brijesh Sonkar
4. Sessions Trial No.318/2012
   State Versus Pankaj Yadav

&

5. Sessions Trial No.110/2014
   State Versus Ramdularey

Case Crime No.399/2010

U/s-147, 148, 149, 302, 307, 120B, 34 of IPC & Section 7 of Criminal Law Amendment Act & Section 25/27 of Arms Act P.S. South Tola, District Mau, U.P.

15.12.2020

Case file presented. On call, application of exemption from personal appearance of the accused persons Shivshankar Yadav & Dharmender Sonkar was filed through Counsel

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which is approved for today only. Ld. Counsel of the accused Rajesh Singh @ Rajan present.

Accused Ramu Mallah is detained in Central Jail Naini Prayagraj, U.P., accused Pankaj Yadav is detained in Chapra Jail, Bihar State and accused Raj @ Jamwant Kanojia is in District Jail Bijnaur. But today are not present in the Court.

Accused Mukhtar Ansari is detained in District Jail Roopnagar (Ropar) Jail Punjab but he is also not present today in the Court and accused Brijesh Sonkar is detained in Mau Jail, U.P. and he is also not present in the Court.

Application 547B dated 12.10.2020 has been filed on behalf of the prosecution to the effect that the case in respect of the accused, whose arguments are not being completed, should be adjudicated in respect of those whose arguments have been completed, by separating their case files. On this application today it was requested by the Prosecution that

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since the case file at this time is at the stage of arguments as a result of the transfer of Previous Presiding Officer. Therefore, now this application be not longer tried. Hence, accordingly application 547B is disposed off.

Application 552B dated 12.10.2020 has been filed on behalf of the applicant/accused Mukhtar Ansari to this effect that the arguments of the applicant be heard again and the hearing and judgment of the matter be done through video conferencing. In the same context an application was filed by the applicant/accused before the District Judge regarding which the Court was informed by the Ld. Counsel of the applicant/accused that above application has been disposed off by the Court of Hon'ble District Judge.

Two prayers have been made in Application 552B- the first is to do re-argument and second is to do the hearing/judgment through video conferencing. At this time the case file is at the stage of argument. Therefore, the application to re-argument is baseless. As far as, hearing

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through video-conferencing is concerned. Since Ld. Counsel on behalf of the accused Mukhtar Ansari is present. Hence it not necessary to summon the accused Mukhtar Ansari as this fact was submitted by the prosecution before the court on the previous date of hearing. Since at this time the case file is at the stage of arguments and accused Mukhtar Ansari is detained in Roopnagar Ropar Jail, Punjab Stae. Hence according application 552B ____ liable to be disposed of

_____

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1. Sessions Trial No.130/2010
   State Versus Mukhtar Ansari
2. Sessions Trial No.130A/2010
   State Versus Rakesh Kumar Pandey
3. Sessions Trial No.166/2011
   State Versus Brijesh Sonkar
4. Sessions Trial No.318/2012
   State Versus Pankaj Yadav
   &
5. Sessions Trial No.110/2014
   State Versus Ramdularey

Case Crime No.399/2010

U/s-147, 148, 149, 302, 307, 120B, 34 of IPC & Section 7 of Criminal Law Amendment Act & Section 25/27 of Arms Act P.S. South Tola, District Mau, U.P.

15.01.2021

Case file presented. On call, application for exemption from personal appearance was submitted by the accused persons Dharmender Sonkar, Shivshankar Yadav and

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Rajesh Singh @ Rajan through Counsel, which is allowed for today only.

Accused Ramu Mallah is detained in Central Jail Naini Prayagraj, U.P., accused Pankaj Yadav is detained in Chapra Jail, Bihar and accused Raju @ Jamwant Kanojia is detained in District Jail Bijnaur U.P. but are not present in the Court today but the Ld. Counsels of the said accused persons are present.

Accused Mukhtar Ansari is detained in District Jail Roopnagar (Ropar) Jail Punjab and accused Brijesh Sonkar is detained in Mau Jail, U.P. Accused Brijesh Sonkar is not present in the Court today but Ld. Counsel of the accused Brijesh Sonkar is present.

The remaining arguments were completed today by the prosecution. Arguments of the Ld. Counsels of both the parties were also heard on application 561B and U/s 165 of Evidence Act.

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Case file be submitted on 22.01.2021 for the disposal of application 571B/order/arguments of the defence. Ld. Counsel on behalf of all the accused be present on the due date

Sd/-
Presiding Officer Special Judge
(M.P./MLA) Allahabad

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SHAMSUL ISLAM SIDDIQUI
ADVOCATE
9415634121

~~6-1-2021~~

SI
16-1-2021

ST No 130/2010
अ० से० 300/2010

धारा - 302, 307, 120B भा० दं० सं०
3 Arms Act

जिला - बहराइच थाना रिसिया

तारीख - आर्डर शीट दि० - 12-11-2020 से दि० 15-1-2021 तक

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1- सत्र परीक्षण संख्या–130/2010
राज्य बनाम मुख्तार अंसारी आदि
2- सत्र परीक्षण संख्या–1302/2010
राज्य बनाम सर्वेश कुमार पाण्डेय
3- सत्र परीक्षण संख्या–166/2011
राज्य बनाम ब्रजेश सोनकर
4- सत्र परीक्षण संख्या–318/2012
राज्य बनाम पंकज यादव
एवं
5- सत्र परीक्षण संख्या–110/2014
राज्य बनाम रामदुलारे

मुकदमा अपराध संख्या–399/2010
धारा–147,148,149,302,307,120बी,34 भारतीय दण्ड संहिता
व धारा 7 आपराधिक विधि संशोधन अधिनियम व धारा–
25/27 आर्म्स एक्ट थाना–दक्षिण टोला,जनपद–मऊ उ0प्र0

15.12.2020

पत्रावली पेश हुई। पुकार पर अभियुक्तगण **शिवशंकर यादव** एवं **धर्मेन्द्र सोनकर** की ओर से प्रार्थना-पत्र जरिये अधिवक्ता प्रस्तुत किया गया जो केवल आज के लिए स्वीकृत। अभियुक्त **राजेश सिंह उर्फ राजन** के विद्वान अधिवक्ता उपस्थित।

अभियुक्त **रामू मल्लाह**, केन्द्रीय कारागार नैनी प्रयागराज उ0प्र0 में अभियुक्त **पंकज यादव**, उपरी कारागार, बिहार राज्य मे तथा अभियुक्त **राजू उर्फ जामवन्त कनौजिया** जिला कारागार बिजनौर उ0प्र0 में निरुद्ध है, लेकिन आज हाजिर अदालत नहीं है।

अभियुक्त **मुख्तार अंसारी** जिला कारागार रूपनगर (रोपड) जेल पंजाब राज्य में निरुद्ध है लेकिन वह भी आज हाजिर अदालत नहीं है तथा अभियुक्त **ब्रजेश सोनकर** मऊ जेल उ0प्र0 मे निरुद्ध है लेकिन वह भी हाजिर अदालत नही है।

प्रार्थनापत्र 547ब दिनांकित 12.10.2020 अभियोजन की ओर से इस आशय का दिया गया है कि जिन अभियुक्तों की तरफ से बहस पूरी नही की जा रही है उनकी पत्रावली पृथक करते हुए जिनकी बहस पूरी हो गयी है उनके सम्बन्ध मे मुकदमा निर्णीत किया जाय। इस प्रार्थनापत्र पर अगला अभियोजन द्वारा यह निवेदन किया गया कि चूकि पत्रावली इस समय पूर्व लोकाभियोजक अधिकारी के स्थानान्तरण के फलस्वरूप पुनः बहस के स्तर पर है। अतः इस प्रार्थनापत्र पर अब बल नहीं देना है। अतः तदनुसार प्रार्थनापत्र 547ब निरस्तारित किया जाता है।

प्रार्थनापत्र 552ब दिनांकित 12.10.2020 आवेदक/अभियुक्त **मुख्तार अंसारी** की ओर से इस आशय का दिया गया है कि आवेदक की बहस पुनः सुनी जाय तथा मामले की सुनवाई/निर्णय जरिये वीडियो कान्फ्रेंसिंग करायी जाय। इसी के सम्बन्ध में एक प्रार्थनापत्र माननीय जनपद महोदय के न्यायालय में आवेदक/अभियुक्त की ओर से प्रस्तुत किया गया था जिसके सम्बन्ध में आवेदक/अभियुक्त के विद्वान अधिवक्ता द्वारा न्यायालय को अवगत कराया गया कि माननीय जनपद न्यायाधीश महोदय के न्यायालय से उक्त प्रार्थनापत्र का निस्तारण किया जा चुका है।

प्रार्थनापत्र 552ब मे दो प्रार्थना की गयी है–प्रथम पुनः बहस किये जाने का तथा दूसरा सुनवाई/निर्णय जरिये वीडियो कान्फ्रेंसिंग किये जाने का। इस समय पत्रावली बहस के स्तर पर है। अतः पुनः बहस किये जाने की प्रार्थना आधारहीन है। जहां तक सुनवाई जरिये वीडियो कान्फ्रेंसिंग किये जाने का प्रश्न है। चूंकि अभियुक्त मुख्तार अंसारी की ओर से विद्वान अधिवक्ता बहस करने के लिए उपस्थित हैं। अतः अभियुक्त मुख्तार अंसारी को तलब किया जाना आवश्यक नही है जैसा कि पूर्व की तिथि पर अभियोजन द्वारा यह तथ्य न्यायालय के समक्ष प्रस्तुत किया गया था। चूंकि इस समय पत्रावली बहस के स्तर पर है तथा अभियुक्त मुख्तार अंसारी रूपनगर (रोपड) जेल पंजाब राज्य में निरुद्ध है। अतः प्रार्थनापत्र 552ब तदनुसार निरस्तारित किये जाने योग्य

15/12/2020

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है।

आदेश

प्रार्थनापत्र 552a अशतः इस शर्त के साथ स्वीकार किया जाता है कि आवेदक/अभियुक्त मुख्तार अंसारी के विद्वान अधिवक्ता बहस की कार्यवाही अनावश्यक विलम्बित नहीं करेगें।तदनुसार प्रार्थनापत्र 552a निस्तारित किया जाता है। पत्रावली वास्ते लंच पश्चात् बहस हेतु पेश हो।

17/12/2020

पीठासीन अधिकारी विशेष न्यायालय,
(एम0पी0/एम0एल0ए0) इलाहाबाद।

लंच पश्चात् पत्रावली पेश हुई। अभियोजन एवं अभियुक्तगण की ओर से उनके विद्वान अधिवक्ता उपस्थित। अभियोजन की ओर से बहस शुरू की गयी, परन्तु अभियोजन की ओर से बहस किया जाना अवशेष है। अतः पत्रावली दिनांक 17.12.2020 को शेष बहस/अभियोजन पेश हो। आवेदक/अभियुक्त मुख्तार अंसारी नियत तिथि पर जेल से वीडियो कान्फ्रेंसिंग लंच हो।

इस आदेश की सूचना हेतु एक प्रति सिस्टम आफीसर, कम्प्यूटर अनुभाग सिविल कोर्ट,इलाहाबाद को भेजी जाये।

17/12/2020

पीठासीन अधिकारी विशेष न्यायालय,
(एम0पी0/एम0एल0ए0) इलाहाबाद।

Sir Myself

17/12/20

Court 17/12/20

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1–सत्र परीक्षण संख्या–130/2010
राज्य बनाम मुख्तार अंसारी आदि
2–सत्र परीक्षण संख्या–130ए/2010
राज्य बनाम राकेश कुमार पाण्डेय
3–सत्र परीक्षण संख्या–166/2011
राज्य बनाम बृजेश सोनकर
4–सत्र परीक्षण संख्या–318/2012
राज्य बनाम पंकज यादव
एवं
5–सत्र परीक्षण संख्या–110/2014
राज्य बनाम रामधुलारे

मुकदमा अपराध संख्या–398/2010
धारा–147,148,149,302,307,120बी,34 भारतीय दण्ड संहिता व धारा–7 आपराधिक विधि संशोधन अधिनियम व धारा–25/27 आर्म्स एक्ट थाना–दक्षिण तोला,जनपद–मऊ उ0प्र0

15.01.2021

पत्रावली पेश हुई। पुकार पर अभियुक्त **धर्मेन्द्र सोनकर, शिवशंकर यादव** एवं **राजेश सिंह उर्फ राजन** की ओर से हाजिरी माफी का प्रार्थनापत्र जरिये अधिवक्ता प्रस्तुत किया गया, जो केवल आज के लिए स्वीकृत।

अभियुक्त **रामू मल्लाह**, केन्द्रीय कारागार नैनी प्रयागराज उ0प्र0 में अभियुक्त **पंकज यादव**, छपरा कारागार, बिहार राज्य में तथा अभियुक्त **राजू उर्फ जामवन्त कनौजिया** जिला कारागार बिजनौर उ0प्र0 में निरुद्ध है, लेकिन आज हाजिर अदालत नहीं है लेकिन उक्त अभियुक्तों के विद्वान अधिवक्तागण उपस्थित हैं।

अभियुक्त **मुख्तार अंसारी** जिला कारागार रूपनगर (रोपड) जेल पंजाब राज्य में तथा अभियुक्त **ब्रजेश सोनकर** मऊ जेल उ0प्र0 में निरुद्ध है। अभियुक्त **ब्रजेश सोनकर** आज हाजिर अदालत नहीं है,लेकिन अभियुक्त ब्रजेश सोनकर के विद्वान अधिवक्ता उपस्थित हैं।

सभी अभियुक्तगण की ओर से विद्वान अधिवक्तागण एवं अभियोजन पक्ष की ओर से श्री गुलाब चन्द अग्रहरि, शासकीय अधिवक्ता (फौजदारी) एवं श्री राजेश कुमार गुप्ता सहायक जिला शासकीय अधिवक्ता (फौजदारी) भी उपस्थित है।

अभियोजन पक्ष की ओर से आज अपनी शेष बहस पूरी की गयी। पत्रावली प्रार्थनापत्र 571 ब एवं अन्तर्गत धारा–165 भारतीय साक्ष्य अधिनियम पर भी उभयपक्ष के विद्वान अधिवक्तागण की बहस सुनी गयी।

पत्रावली दिनांक 22.01.2021 को वास्ते प्रार्थनापत्र 571ब निस्तारण/आदेश/उभयपक्ष की बहस हेतु पेश हो। नियत तिथि पर सभी अभियुक्तगण की ओर से विद्वान अधिवक्तागण उपस्थित हों।

15.01.21

पीठासीन अधिकारी विशेष न्यायालय,
(एम0पी0/एम0एल0ए0) इलाहाबाद।

मिलान कर्ता वर्ग
शब्द लगभग 2500

सत्य प्रतिलिपि

WWW.LIVELAW.IN

70

25/15.01.21	Before the Special Judge MP/ MLA, Allahabad S.T. No – 02/2012 State Vs. Rakesh Pandey etc. U/s Gangster Act Police Station – South Tola Mau Copy of Order sheet

WWW.LIVELAW.IN

71

SST No.2/2012

11.2.21

Case file submitted today.

Call made.

On 242B application and accused persons Dharmender Sonkar and others are present.

Accused Mukhtar Ansari detained in Ropar Jail Punjab. He is present through VC and senior counsel.

Case file of the accused persons Ram Dulare, Anoop Kanojia, Ramu Mallah has been separated.

Witnesses are not present.

(illegible)

Complainant not present. Complainant be called through summon.

Case file be put up on 02.02.21 for summon.

Sd/- MP/MLA

WWW.LIVELAW.IN

7860388069

72

03

25
15/01/21

न्यायालय विशेष जज MP/MLA, रेलवे

ST. No- 02/2012

सरकार बनाम शकिरा परवेज आदि

द्वारा - गैंगस्टर Act-

थाना - . फारबिसगंज, अ0.

धारा - 307 भादवि (25/54 - 27/54)

WWW.LIVELAW.IN

आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी
	23.12.20			
	11/02/21			
	02/02			
	11-02-21			

(PTO)

WWW.LIVELAW.IN

88/ 11.01.21	Before the Special Judge MP/ MLA, Allahabad Special S.T. N – 10A/ 10 Case No. 1182/ 90 State Vs. Mukhtar Ansari Police Station – Mohammadabad (Ghazipur) Copy of Order sheet from 10.12.20 to 08.01.21

WWW.LIVELAW.IN

75

ORDER SHEET

(Chapter 4 Rule 3)

Court	Place
Case of	Year of 20
State	case No. of year
Residing at	

Order No.	Date	Order of the summary of the order	Signature of the Presiding Officer	Note
19/12	10.12.20	The PO is on EL leave. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present.		

WWW.LIVELAW.IN

		The witness are not present. The matter be list on 19.12.20. Sd/-		
	19.12.20	The matter listed today before the Court of MP/ MLA. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present. The witness be summoned as per the rule. The matter be list on 08.01.21 for evidence. Sd/-		

WWW.LIVELAW.IN

	08.01.21	The matter listed today before the Court of MP/ MLA. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present. An application on behalf of the 193A accused Mukhtar Ansari filed requesting/ praying to conduct the matter through the video conferencing , on which it is		

WWW.LIVELAW.IN

		instructed to list the matter further through the video conferencing. The witness is not present. The matter be now list on 02.02.21. Sd/- Judge MP/MLA		

(TRUE TRANSLATED COPY)

WWW.LIVELAW.IN

79

Shamsul Islam Siddiqui
Advocate
9415634121

12

88
11.1.21

[illegible] M.P. / M.L.A [illegible]
[illegible] 10.A. /10
[illegible] 1182/96
[illegible]
[illegible] - [illegible]
[illegible] - [illegible]

10.12.2-A 8.1.21

48
11.1.21

WWW.LIVELAW.IN

80

H.C.J. No. 10, Part IX

क्रमबद्ध आदेश-पत्र

(अध्याय 4, नियम 3)

MP/MLA Act

न्यायालय

स्थान

ST No 10 A/10

सन् 20 ई०

बाद सन्

आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी
	10-12-20			
	13/12			
	15-12-20			
	18/01			
	02/02			

Rajesh Patil 11-12-2021

प्रधान जनपद न्यायालय इलाहाबाद

WWW.LIVELAW.IN

87/ 11.01.21	Before the Special Judge MP/ MLA, Allahabad Special S.T. N – 90/ 12 Case No. 1051/ 07 State Vs. Mukhtar Ansari Copy of Order sheet from 10.12.20 to 08.01.21

WWW.LIVELAW.IN

Order No.	Date	Order of the summary of the order	Presiding Officer	Note
19/12	10.12.20	The PO is on EL leave. The accused viz. MukhtarAnsari is in District Jail, Ropar, Punjab and he is not present. The Ld. Counsel for the (ineligible) are not present. The witness are not present. The matter be list on 19.12.20. Sd/- Judge of MP/ MLA		

WWW.LIVELAW.IN

	19.12.20	The matter listed today. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present. The Ld. Counsel for the (ineligible) are not present. The witness is not present. The witness be summoned as per the rule. The matter be list on 08.01.21 for evidence.		

WWW.LIVELAW.IN

		Sd/- Judge of MP/ MLA		
	08.01.21	The matter listed today. The accused person viz. Mukhtar Ansari being in jail, is not present. His Counsel is present. An Application on behalf of the accused Mukhtar Ansari filed requesting for the video conferring, on which it is instructed to		

WWW.LIVELAW.IN

		list the further matter through video conferencing. The witness is not present. The witness be summoned. The matter be now list on 02.02.21. Sd/- Judge MP/MLA		

(TRUE TRANSLATED COPY)

WWW.LIVELAW.IN

86

Shamsul Islam Siddiqui
Advocate
9415634121

12

87
11.1.21

[illegible] M.P/M.L.A Suit
[illegible] S.T. No. 90/12
[illegible] 1051/07
[illegible]

[illegible] 10.12.20 &
8.1.21

87
11.1.21

WWW.LIVELAW.IN

MJ MP/MLAs 87.

ST. 50/12

आदेश तारीख	दिनांक	आदेश अथवा आदेश का सारांश	पीठासीन अधिकारी	टिप्पणी
	10-12-21	P० मोहन E.L.		
	13/12			
	15-12-21		MJ MP/MLA	
	03/02			
	02/02		MJ MP/MLA	
			MJ MP/MLA	

सत्य प्रतिलिपि
Rajeev Pandey
11.1.21
सहायक प्रतिलिपिक
सिविल प्रतिलिपि विभाग
P जनपद न्यायालय, इलाहाबाद

विमान सभी मनोहर
अन्य वाद 200

WWW.LIVELAW.IN



42/ 8.1.21	Before the Special Judge MP/ MLA, Allahabad S.T. No. – 3541/ 12 Case No. 377/ 97 State Vs. Mukhtar Ansari U/s 506 IPC Police Station – Bhelupur (Varanasi) Copy of Order sheet from 17.11.20 to 24.12.20

WWW.LIVELAW.IN

89

ORDER SHEET

(Chapter 4 Rule 3)

Court — Place

Case of — Year of 20

State — case No. of year

Residing at

Order No.	Date	Order of the summary of the order	Signature of the Presiding Officer	Note
08/12	17.11.20	Case file submitted today. Called upon Accused Mukhtar Ansari detained in Ropar Jail Punjab. Not present. The matter will be listed on 8.12.20		
	8/12/20	The PO is on EL leave. The accused viz. Mukhtar Ansari is in District Jail, Ropar,		

WWW.LIVELAW.IN

		Punjab and he is not present. The matter will be list on 24.12.20. Sd/-		
	24.12.20	P.O. is in the office of annual inspection. Accused Mukhtar Ansari is detained in Ropar Jail. Not present. It is instructed to list the matter further through the VC. The matter will be listed on 11.01.21 Sd/- Judge MP/MLA		

WWW.LIVELAW.IN

91

SHAMSUL ISLAM SIDDIQUI
ADVOCATE
9411563411 21

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8-1-21



WWW.LIVELAW.IN

न्यायालय : मेजर जनरल जी.सी./एम.एस.ई. इलाहाबाद

B 0 7

35 41/12
धारा 506 92
धारा (2)

आदेश संख्या	दिनांक	आदेश अथवा आदेश का सार	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी
	17-11-24	ओम [illegible]		
	03-12-24	[illegible]		
	24-12-24	[illegible]		

सत्य प्रतिलिपि
08/01/2021
सिविल प्रतिलिपि विभाग
उच्च न्यायालय, इलाहाबाद

[illegible]

WWW.LIVELAW.IN

93

83/ 7.1.21	Before the Special Judge MP/ MLA, Allahabad S.T. No. – 265/2007 State Vs. Mukhtar Ansari U/s 147, 148, 149, 302 IPC Police Station – Chetganj, Varanasi Copy of Order sheet from 21.11.20 to 06.01.21

WWW.LIVELAW.IN

94

ORDER SHEET

(Chapter 4 Rule 3)

Court — Place

Case of — Year of 20

State — case No. of year

Residing at

Order No.	Date	Order of the summary of the order	Signature of the Presiding Officer	Note
	21.11.20	Case file submitted today. Accused were not present on call. Accused Mukhtar Ansari is detained in Ropar Jail, Punjab. The witness be summoned as per the rule. The matter be list on 15.12.20 for evidence. Sd/-		

WWW.LIVELAW.IN

		Sp. J. MP/MLA		
	15.12.20	Case file submitted today. Accused not present on call. Accused Mukhtar Ansari is detained in Ropar Jail, Punjab. The witness be summoned as per the rule. The matter be list on 06.01.21 for evidence. Sd/- Sp. J. MP/MLA		
	06/01	Accused be present through VC.		
	06.01.21	Case file submitted today.		

WWW.LIVELAW.IN

		Called upon. Accused Mukhtar Ansari is detained in Ropar Jail, Punjab. Not present. His counsel is present. The witnesses are not present. The witness be summoned. Letter to SSP. Accused be present through VC on next date		

WWW.LIVELAW.IN

SHAMSUL ISLAM SIDDIQUI
ADVOCATE
9415634121

97

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03
7/1/21

न्यायालय Spl Judge MP/MLA इलाहाबाद
~~विशेष~~ सत्र परीक्षण सं० - 265/2007
संस्कार बनाम मुख्तार अंसारी
धारा - 147, 148, 149, 302 IPC
थाना - चेतगंज वाराणसी
मकदमा अभिरक्षित - 21/11/20 से 06/01/21 तक



WWW.LIVELAW.IN

98

S.T. No- 265/07

मो० — मुख्तार अंसारी

(7)

आदेश संख्या	दि० कि	आदेश अगला आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी
	21.11.20	पत्रावली पेश हुई। पुकार पर अभियुक्त हाजिर नहीं। अभि० मुख्तार अंसारी जिला कारागार रोपड़ पंजाब में निरुद्ध। जमानती वारंट अभियुक्त हेतु जारी किये सम्मन तलब हो। वास्ते साक्ष्य पत्रावली दि० 15.12.20 को पेश हो।	Spl J MP/MLA	
	15.12.20	पत्रावली पेश हुई। पुकार पर अभियुक्त हाजिर नहीं। अभि० मुख्तार अंसारी जिला कारागार रोपड़ पंजाब में निरुद्ध। जमानती वारंट अभियुक्त हेतु जारी सम्मन तलब हो। वास्ते साक्ष्य पत्रावली दि० 06.01.21 को पेश हो।	Spl J MP/MLA	
	06-01-21	[illegible]		

06/01 [illegible]

27/01 [illegible]

[illegible]

सत्य प्रतिलिपि

Comp-Manish

WA-20

WWW.LIVELAW.IN

86/ 11.01.21	Before the Special Judge MP/ MLA, Allahabad Special S.T. N – 557/ 12 Case No. 482/ 10 State Vs. Mukhtar Ansari Police Station – Karanda (Ghazipur) Copy of Order sheet from 01.12.20 to 08.01.21

WWW.LIVELAW.IN

106

ORDER SHEET

(Chapter 4 Rule 3)

Court: Court of MP MLA

Place

Case of Year of 20

State case No. of year

Residing at

Order No.	Date	Order of the summary of the order	Signature of the Presiding Officer	Note
19/12	10.12.20	The PO is on EL leave. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present. The Ld. Counsel for the (ineligible)		

WWW.LIVELAW.IN

		are not present. The witness are not present. The matter be list on 19.12.20. Sd/- Judge of MP/ MLA		
	19.12.20	The matter listed today. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present. The Ld. Counsel for the (ineligible) are not present. The witness is not present. The witness be summoned as per the rule.		

WWW.LIVELAW.IN

		The matter be list on 08.01.21 for evidence. Sd/- Judge of MP/ MLA		
	08.01.21	The matter listed today. The accused viz. Mukhtar Ansari is in District Jail, Ropar, Punjab and he is not present. (ineligible) An application on behalf of the 117A accused Mukhtar Ansari filed an application requesting/praying to conduct the matter through the		

WWW.LIVELAW.IN

		video conferencing, on which it is instructed to list the matter further through the video conferencing. The witness is not present. The witness be summoned. The matter be now list on 02.02.21. Sd/- Judge MP/MLA		

(TRUE TRANSLATED COPY)

WWW.LIVELAW.IN

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19
15-1-2021

न्यायालय विशेष न्यायाधीश (एम०पी०/एम०एल०ए०) इत
ST No 557/2012

~~करन्डा~~

सरकार बनाम मु० अंसारी
धारा - 30) गैंगेस्टर एक्ट
थाना - करन्डा
जकत - आई शीट दि० - 21-~~11~~-2020 से
~~8-2~~-2021 तक

WWW.LIVELAW.IN

H.C. J. No. 10, Part IX

क्रमबद्ध आदेश-पत्र

(अध्याय 4, नियम 3)

न्यायालय MJ MP/MLA स्थान

मामला

सरकार

बनाम

आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी
	10-12-20			
	15/12			
	15-12-20			
	03/01			
	01-02-21			
	02/02/21			

Rajesh 15.1.21

MJ MP/MLA

WWW.LIVELAW.IN

88/ 7.1.21	Before the Special Judge MP/ MLA, Allahabad S.T. No. – 07/2012 Case No. 192/1996 State Vs. Mukhtar Ansari & Ors. U/s 3(1) Gangster Act Police Station – Mohammadabad, Ghazipur Copy of Order sheet from 21.11.20 to 06.01.21

WWW.LIVELAW.IN

107

ORDER SHEET

(Chapter 4 Rule 3)

Court — Place

Case of — Year of 20

State — case No. of year

Residing at

Order No.	Date	Order of the summary of the order	Signature of the Presiding Officer	Note
	21.11.20	Case file submitted today. Accused not present on call. Accused Mukhtar Ansari is detained in Ropar Jail, Punjab. Accused Bhim Singh is on bail. Both the counsels of accused are present. The witnesses are		

WWW.LIVELAW.IN

		not present..... The witnesses be present on 15.12.20. Remaining witnesses be summoned. Sd/- Spl.J. MP/MLA		
	15.12.20	Case file submitted today. Accused not present on call. Accused Mukhtar Ansari is detained in Ropar Jail, Punjab. Accused Bhim Singh is on bail. The witnesses are not present..... The witnesses		

WWW.LIVELAW.IN

		be present on 15.12.20. Remaining witnesses be present on 06.01.21. Remaining witnesses be summoned.. Sd/- Spl.J. MP/MLA		
	06.1.21	Case file submitted today. Called upon. Accused Mukhtar Ansari is detained in Ropar Jail, Punjab. Not present. His counsel is present. Accused be present through VC.		

WWW.LIVELAW.IN

		.... An application has been filed by the accused Mukhtar Ansari for permission to record the evidence through video-conferencing. The application allowed and directed the accused to appear through VC on 27.1.2021.		

WWW.LIVELAW.IN

II (

SHAMSUL ISLAM SIDDIQUI
ADVOCATE
9415634121

84
7/1/21

न्यायालय Spl Judge MP/MLA इलाहाबाद

विशेषसत्र परिक्षण सं० – 07/2012
अप० सं० - 192/1996
सरकार बनाम मुख्तार अंसारी व अन्य
धारा – 3(1) गैंगस्टर एक्ट
थाना – मोहम्मदाबाद, गाजीपुर
वकील – आई कार्ड रिनांक 21/11/20 से 06/01/21 तक

WWW.LIVELAW.IN

12

U.C.J. No. 10, Part IX

क्रमबद्ध आदेश-पत्र

(अध्याय 4, नियम 3)

न्यायालय [illegible]

मामला S.S.T.No. 07/12 सन् 20 ई०

सरकार - मु० राज (अंजार) बनाम सन्

निवासी

अ.क. 182/96

धा.स. 3(1) द्वि.प्र.नि.

थाना अंजार

आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी
	21-11-20	पत्रावली पेश हुई। पुकार पर अभियुक्तगण हाजिर नहीं। अभियुक्त मुख्तार अंसारी रे जेल बारागार रोपड़ पंजाब से विडियो है। अधि. अरीम खिंद जमानत पर। दोनो अभियुक्त उनिये अधिवक्ता हाजिर। अभियोजन साक्षी नहीं आये है। वारंट मौका पर पत्र लायत अभियोजन स्वीकृत। वास्ते साक्ष्य दि: 15.12.20 को पेश हो। शेष साक्षी उनिये जब्त तलब Spl. J. MP/MLA		
06/01	15-12-20	पत्रावली पेश हुई। पुकार पर अभियुक्तगण हाजिर नहीं। अधि. मुख्तार अंसारी जिला कारागार रोपड़ पंजाब में विडियो है। अधि. अरीम खिंद जमानत पर है। अभियोजन साक्षी नहीं आये है। वारंट मौका पर लायक अभियोजन स्वीकृत। वास्ते साक्ष्य दि: 06.01.21 को पेश हो। पुनः साक्षी तलब हो। Spl. J. MP/MLA		

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आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी

सत्य प्रतिलिपि
7.1.21
प्रधान प्रतिलिपिक
उच्च न्यायालय इलाहाबाद

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44/ 8.1.21	Before the Special Judge MP/ MLA, Allahabad S.T. No. – 195/18 Case No. 20/14 State Vs. Rajendra Pasi etc. U/s 147, 148, 149, 307, 302, 506, 120B IPC & 7 CLA Act Police Station – Tarwa (Azamgarh)

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(The Accused is in jail)

Before the Special Judge MP/ MLA, Allahabad

ST No. – 195 Year 2018

State Vs. Rajendra Pasi etc.
(Mukhtar Ansari) & Ors.

Under Section 147, 148, 149, 302/307/506/120B IPC & 7 CLA Act

P.S. Tarava, District-Azamgarh

Case No. 20/14

Sir,

It is humbly submitted that the applicant/accused Mukhtar Ansari S/o Subhan Ullah is in judicial custody in Banda Jail. The applicant for a long time is suffering from disease spondylitis and various diseases related to the spinal cord. On account of the same, the applicant is unable to travel and suffers from extreme pain in standing for long hours or sitting for long hours. The applicant is already suffered from heart attack and has high blood pressure. In view of these circumstances, the ambulance facility is provided to the applicant for any journey. Accordingly, the hearing of the applicant by video-conferencing is just and highly necessary in the present circumstances.

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Thus it is prayed that keeping in view of the health and protection of the applicant, the hearing of the applicant in the case through the video conferencing be allowed. He will be highly obliged.

Dated: 4.10.18

Sd/-
Applicant
Through Counsel

Keeping in view the difficulties faced by the applicant and his requirements, the application is allowed.

Sd/- 4.10.18

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अम्सुल इस्लाम सिद्दीकी
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M.P. /M.L.A Sessions
S.T. 195/18
अप 20/14

Rs. 142. 148. 149. 307 302. 506 120B IPC
7 C L.A Act



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(आवेदनपत्र दण्डी)

न्यायालय श्रीमान् [illegible] इलाहाबाद

दिनांक 1/5 जून 2018

राजेन्द्र पासी आदि
(मुल्जिम/अभियुक्त/वादी/प्रतिवादी)

बनाम

राज्य (प्रार्थी/अभियोजन/प्रतिवादी/वादी)

धारा 147/148/149/302/307/506 120-B IPC व 7 क्रि.ला.संशोधन

थाना : सराय,

जिला आजमगढ़

दिनांक 20/4

महोदय,

[illegible] आवेदन [illegible] अभियुक्त [illegible] अभियुक्त [illegible] अभियोजन [illegible] आवेदक [illegible] अभियुक्त [illegible] आवेदक [illegible] अभियुक्त [illegible] आवेदक [illegible] अभियुक्त

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ANNEXURE R-3

**IN THE COURT OF SPECIAL JUDGE, M.P.M.L.A./
ADDL.DISTRICT & SESSIONS JUDGE,
COURT NO.19, LUCKNOW**

S.T. no.1818/2012

State **Vs.** Mukhtar Ansari

Case FIR no.131/2002
P.S. Alambagh

21.08.2020

Case file submitted. On calling, an Application for exemption from appearance of the accused has been given by the Counsel of the accused Mukhtar Ansari that he is detained in District Jail Roopnagar (Ropar) Punjab in some other case, which is allowed only for today. An Application B-15 has been filed by the accused through his counsel to this effect that at present he is detained in District Jail Roop Nagar (Ropar) Punjab and statement of accused u/s 313 CrPC be recorded through video conferencing.

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Heard the arguments of the Ld. Counsel of the accused and Public Prosecutor (Criminal) on the application B-15 and perused the case file.

DISPOSAL OF THE APPLICATION B-15

This application has been submitted by the accused Mukhtar Ansari through counsel on this ground that at present Covid-19 pandemic is spread all over the world, in such case it is very difficult to send the under-trial prisoners from one place to other place and there is also a strong chance of getting infected with the disease and accused has been produced from Punjab State which is about 800 km away. Accused is a Senior Citizen and is currently suffering from various diseases also. The Accused has enmity with other persons and the accused has enmity with the influential people of the State govt too. The accused has also stated that Hon'ble Supreme Court has clearly held in Suo Moto Writ Petition No.2001/2020 that in view of the possibility of increasing infection, the personal presence of the prisoners

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in question should be discontinued and all the objectives of trial should be fulfilled through videoconferencing. The accused also states that the transfer of under-trials from one prison to another should be done in the condition of reducing congestion and ensuring social distance and providing medical facilities to the sick prisoner.

The accused has also stated that in sequence of the order of Hon'ble Supreme Court, Hon'ble Karnataka High Court has expressed this opinion in Suo Moto Public Interest Litigation No.7338/2020 Hon'ble Karnataka High Court Versus State of Karnataka that the Trial Court can make the presence of the under-trial prisoners through video conferencing. Hon'ble Karnataka High Court has accepted the recording of the statement of the accused U/s 313 CrPC through Video Conferencing. In sequence of the orders passed by Hon'ble Supreme Court, the Special Judge of Ayodhya Case, Lucknow has also done the recordings of the Statements U/s 313 CrPC of the accused Lal Krishan

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Adwani, Murli Manohar Joshi through Video Conferencing in Sessions Trial Case No.344/94, 423/2017, 796/2019 etc. This has also been stated that accused is a old aged person who is suffering from B.P., Diabetes, Slipdisc and other diseases and is a heart patient also. The team of the Doctors of Civil Hospital Roopnagar Ropar Punjab has also advised three months bed rest to the accused. As per the order of Judicial Magistrate Mohali Punjab the accused is in detained in District Jail Roopnagar, Ropar, Punjab, where facility of video conferencing is available and the distance of District Jail Roopnagar Ropar Punjab from this Court is about 800 km. Applicant/accused is a respected person who has been a member of the Constituent Assembly from Mau from year 1996 to 2017. The accused is detained since the year 2005. All political persons who have political enmity with the accused due to the said political enmity, the accused has also danger of life in the State of U.P. This ground has also been taken in the application that Mafia Don Brijesh Singh who has been absconding since from 20 years, against

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whom more than two dozens cases are pending, has the full support of the present ruling Political Party. At present, his nephew is also an MLA of the ruling party and has enmity with the applicant/accused, because the applicant/accused is an First Informant in the Criminal case No.251/2001 PS. Mohammdabad and Crime No.09/2004 P.S. Cantt Lucknow. All pressure and measures are being taken to make the applicant hostile. Mafia Don Brijesh Singh with the support of the State Government wants to kill the applicant/accused. At present the applicant is an elected MLA of Bahujan Samajwadi party from District Mau Constituency, who has enmity with B.J.P. The accused has also stated that Corona Pandemic is spreading very fast in District Lucknow and the numbers of positive infected persons is increasing day by day. The applicant/accused has also stated that a Special Petition to transfer all his case has been filed by the applicant before Hon'ble Supreme Court in which this opinion has been expressed by the Hon'ble Supreme Court in its order dated 07.02.2020 that the petitioner has the freedom to

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submit an application before the concerned trial court to be exempted from personal appearance and mark his appearance through video conferencing where his personal presence is necessary. It has been prayed by the accused that his statement U/s 313 CrPC be recorded through video conferencing.

In the context of the application, it has been argued by the Ld. Counsel of the accused that in view of Corona Pandemic and in view of the guidelines of Hon'ble Supreme Court and Hon'ble High Court, statement of the accused U/s 313 CrPC be taken through video conferencing. It has also been argued by the Ld. Counsel that this application has been submitted by the accused himself and the accused will never take this ground that because of recording his statement through video conferencing he has suffering with any loss or partiality has been done with him.

Ld. Public Prosecutor has also argued while submitting his pleadings that in view of the corona pandemic and

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guidelines of Hon'ble Supreme Court and Hon'ble High Court, statement of the accused U/s 313 CrPC can be recorded through video conferencing.

It is evident from the perusal of the case file that the proceeding of the present matter is going on at the stage of recording the statement of the accused U/s 313 CrPC and since from last 18 years the case file is pending for disposal The proceedings of the present case is not able to forward due to the non-recording of the accused's statement. Photocopy of the order dated 07.02.2020 passed by Hon'ble Supreme Court in Transfer Petition (Criminal) No.3044/2020 has been submitted by the accused. It is evident from the perusal of the above order that Hon'ble Supreme Court has granted liberty to the accused to submit an application to be exempted from personal appearance. The accused has also submitted the photocopy of the order dated 05.07.2019 passed by the Special Judge, MPMLA Court No.20 in Sessions Trial Case No.1604/2006 titled as State Versus

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Mukhtar Ansari Case FIR No.60/99, P.S. Jagdish Pur Dist. Agra. In the above order Hon'ble Court has granted permission to make the presence of the accused through video conferencing.

Hon'ble Supreme Court has expressed this opinion in Basav Raj R. Patil Versus State A.I.R. 2005 S.C. 3214 that if there is excessive undue hardship and great expense in the personal appearance of the accused, then in such a case the statement of the accused be made without the personal presence of the accused, while the accused himself submitted the application and undertaking that the accused will never take this ground that he suffered any loss because of conducting video-conferencing or partiality has been committed with him"

In the present matter the admitted fact is this that the accused is detained in District Jail Roopnagar Ropar, Punjab, the distance of which is about 800 km from this Court, in such a case there is a strong possibility of

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excessive undue hardship and large expenditure in making personal appearance of the accused and keeping in view the day-to-day increasing situation of Corona Pandemic in District Lucknow it does not seem appropriate to make the presence of the accused personally also the accused has stated in his application that this application has been submitted by himself and he will never take this ground that he suffered any loss because of conducting the video-conferencing or partiality has been committed with him. Hon'ble Supreme Court and Hon'ble High Court has also directed to conduct video conferencing of the under-trial prisoners etc. Therefore, in view of the above facts and circumstances the application B-15 submitted by the accused Mukhtar Ansari is liable to be accepted.

ORDER

Application B-15 submitted by the accused Mukhtar Ansari is accepted with the condition of submitting the undertaking of this effect that "the accused will never take

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this ground that he will never take this ground he suffered any loss because of conducting the video-conferencing or partiality has been committed with him.

A copy of this order be sent to the System Officer of Lucknow Court with this instruction that on the next date of hearing 02.09.2020 make sure to record the statement the statement U/s 313 CrPC of the accused Mukhtar Ansari who is detained in District Jail Roopnagar, Ropar, Punjab through video Conferencing at 2:00 PM also a copy of this order be sent to Senior Supdt. District Jail Roopnagar, Ropar, Punjab for information and compliance. Case file be submitted on dated 02.09.2020 for statement u/s 313 CrPC.

Sd/-
(Pawan Kumar Rai)
Special Judge, M.P.L.A.
Addl. District & Sessions Judge
Court No.19, Lucknow

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IN THE COURT OF SPECIAL JUDGE, M.P.M.L.A./

ADDL.DISTRICT & SESSIONS JUDGE,

COURT NO.19, LUCKNOW

S.T. no.199/2000

State **Vs.** Mukhtar Ansari

Case FIR no.428/1999

P.S. Hazratganj

21.08.2020

Case file submitted.

On calling, an Application for exemption from appearance of the accused has been given by the Counsel of the accused Mukhtar Ansari that he is detained in District Jail Roopnagar (Ropar) Punjab in some other case, which is allowed only for today. An Application B-4 has been filed by the accused through his counsel to this effect that at present he is detained in District Jail Roop Nagar (Ropar) Punjab and statement of accused u/s 313 CrPC be recorded through video conferencing.

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Heard the arguments of the Ld. Counsel of the accused and Public Prosecutor (Criminal) on the application B-4 and perused the case file.

DISPOSAL OF THE APPLICATION B-4

This application has been submitted by the accused Mukhtar Ansari through counsel on this ground that at present Covid-19 pandemic is spread all over the world, in such case it is very difficult to send the under-trial prisoners from one place to other place and there is also a strong chance of getting infected with the disease and accused has been produced from Punjab State which is about 800 km away. Accused is a Senior Citizen and is currently suffering from various diseases also. The Accused has enmity with other persons and the accused has enmity with the influential people of the State govt too. The accused has also stated that Hon'ble Supreme Court has clearly held in Suo Moto Writ Petition No.2001/2020 that in view of the possibility of increasing infection, the personal presence of the prisoners

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in question should be discontinued and all the objectives of trial should be fulfilled through videoconferencing. The accused also states that the transfer of under-trials from one prison to another should be done in the condition of reducing congestion and ensuring social distance and providing medical facilities to the sick prisoner.

The accused has also stated that in sequence of the order of Hon'ble Supreme Court, Hon'ble Karnataka High Court has expressed this opinion in Suo Moto Public Interest Litigation No.7338/2020 Hon'ble Karnataka High Court Versus State of Karnataka that the Trial Court can make the presence of the under-trial prisoners through video conferencing. Hon'ble Karnataka High Court has accepted the recording of the statement of the accused U/s 313 CrPC through Video Conferencing. In sequence of the orders passed by Hon'ble Supreme Court, the Special Judge of Ayodhya Case, Lucknow has also done the recordings of the Statements U/s 313 CrPC of the accused Lal Krishan

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Adwani, Murli Manohar Joshi through Video Conferencing in Sessions Trial Case No.344/94, 423/2017, 796/2019 etc. This has also been stated that accused is a old aged person who is suffering from B.P., Diabetes, Slipdisc and other diseases and is a heart patient also. The team of the Doctors of Civil Hospital Roopnagar Ropar Punjab has also advised three months bed rest to the accused. As per the order of Judicial Magistrate Mohali Punjab the accused is in detained in District Jail Roopnagar, Ropar, Punjab, where facility of video conferencing is available and the distance of District Jail Roopnagar Ropar Punjab from this Court is about 800 km. Applicant/accused is a respected person who has been a member of the Constituent Assembly from Mau from year 1996 to 2017. The accused is detained since the year 2005. All political persons who have political enmity with the accused due to the said political enmity, the accused has also danger of life in the State of U.P. This ground has also been taken in the application that Mafia Don Brijesh Singh who has been absconding since from 20 years, against

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whom more than two dozens cases are pending, has the full support of the present ruling Political Party. At present, his nephew is also an MLA of the ruling party and has enmity with the applicant/accused, because the applicant/accused is an First Informant in the Criminal case No.251/2001 PS. Mohammdabad and Crime No.09/2004 P.S. Cantt Lucknow. All pressure and measures are being taken to make the applicant hostile. Mafia Don Brijesh Singh with the support of the State Government wants to kill the applicant/accused. At present the applicant is an elected MLA of Bahujan Samajwadi party from District Mau Constituency, who has enmity with B.J.P. The accused has also stated that Corona Pandemic is spreading very fast in District Lucknow and the numbers of positive infected persons is increasing day by day. The applicant/accused has also stated that a Special Petition to transfer all his case has been filed by the applicant before Hon'ble Supreme Court in which this opinion has been expressed by the Hon'ble Supreme Court in its order dated 07.02.2020 that the petitioner has the freedom to

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submit an application before the concerned trial court to be exempted from personal appearance and mark his appearance through video conferencing where his personal presence is necessary. It has been prayed by the accused that his statement U/s 313 CrPC be recorded through video conferencing.

In the context of the application, it has been argued by the Ld. Counsel of the accused that in view of Corona Pandemic and in view of the guidelines of Hon'ble Supreme Court and Hon'ble High Court, statement of the accused U/s 313 CrPC be taken through video conferencing. It has also been argued by the Ld. Counsel that this application has been submitted by the accused himself and the accused will never take this ground that because of recording his statement through video conferencing he has suffering with any loss or partiality has been done with him.

Ld. Public Prosecutor has also argued while submitting his pleadings that in view of the corona pandemic and

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guidelines of Hon'ble Supreme Court and Hon'ble High Court, statement of the accused U/s 313 CrPC can be recorded through video conferencing.

It is evident from the perusal of the case file that the proceeding of the present matter is going on at the stage of recording the statement of the accused U/s 313 CrPC and since from last 18 years the case file is pending for disposal The proceedings of the present case is not able to forward due to the non-recording of the accused's statement. Photocopy of the order dated 07.02.2020 passed by Hon'ble Supreme Court in Transfer Petition (Criminal) No.3044/2020 has been submitted by the accused. It is evident from the perusal of the above order that Hon'ble Supreme Court has granted liberty to the accused to submit an application to be exempted from personal appearance. The accused has also submitted the photocopy of the order dated 05.07.2019 passed by the Special Judge, MPMLA Court No.20 in Sessions Trial Case No.1604/2006 titled as State Versus Mukhtar Ansari Case FIR No.60/99, P.S. Jagdish Pur Dist.

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Agra. In the above order Hon'ble Court has granted permission to make the presence of the accused through video conferencing.

Hon'ble Supreme Court has expressed this opinion in Basav Raj R. Patil Versus State A.I.R. 2005 S.C. 3214 that if there is excessive undue hardship and great expense in the personal appearance of the accused, then in such a case the statement of the accused be made without the personal presence of the accused, while the accused himself submitted the application and undertaking that the accused will never take this ground that he suffered any loss because of conducting video-conferencing or partiality has been committed with him"

In the present matter the admitted fact is this that the accused is detained in District Jail Roopnagar Ropar, Punjab, the distance of which is about 800 km from this Court, in such a case there is a strong possibility of excessive undue hardship and large expenditure in making

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personal appearance of the accused and keeping in view the day-to-day increasing situation of Corona Pandemic in District Lucknow it does not seem appropriate to make the presence of the accused personally also the accused has stated in his application that this application has been submitted by himself and he will never take this ground that he suffered any loss because of conducting the video-conferencing or partiality has been committed with him. Hon'ble Supreme Court and Hon'ble High Court has also directed to conduct video conferencing of the under-trial prisoners etc. Therefore, in view of the above facts and circumstances the application B-4 submitted by the accused Mukhtar Ansari is liable to be accepted.

ORDER

Application B-4 submitted by the accused Mukhtar Ansari is accepted with the condition of submitting the undertaking of this effect that "the accused will never take this ground that he will never take this ground he suffered

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any loss because of conducting the video-conferencing or partiality has been committed with him.

A copy of this order be sent to the System Officer of Lucknow Court with this instruction that on the next date of hearing 02.09.2020 make sure to record the statement the statement U/s 313 CrPC of the accused Mukhtar Ansari who is detained in District Jail Roopnagar, Ropar, Punjab through video Conferencing at 2:00 PM also a copy of this order be sent to Senior Supdt. District Jail Roopnagar, Ropar, Punjab for information and compliance. Case file be submitted on dated 02.09.2020 for statement u/s 313 CrPC.

Sd/-
(Pawan Kumar Rai)
Special Judge, M.P.L.A.
Addl. District & Sessions Judge
Court No.19, Lucknow

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IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, MAU

Present:- Vinod Sharma (H.Judicial Service)

Computer Registration No. 5499/2020

C.A.R.No. UPMA-0402-6445-2020

Uttar Pradesh Versus Mukhtar Ansari & Ors.

Case FIR no.04/2020
U/s :409, 420, 467, 471,120B IPC
And Section 30 of Arms Act
P.S. South Tola District Mau

Date: 23.10.2020

Case filed presented. An application on behalf of the IO of Case FIR no.04/2020 U/s 419, 420, 467, 468, 471 IPC and Section 30 of Arms Act, Police Station South Tola District Mau through Ld. Counsel has been submitted to this effect that the accused is wantd in the above matter and is detained in District Jail in case FIR no.05/2019 U/s 386/506 IPC P.S. Mahor Dist. Roopnagar Mohali Punjab. The applicant has been called on dated 21.10.2020 in the case of Chief Judicial Magistrate, Mau through Warrant B but despite

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the service he was not produced before the Court. Prayer has bee made on behalf of the accused to take him in Judicial Custody by summoning him. Application is respectfully forwarded by the Ld. Asst. Public Prosecutor with recommendation.

Apart from the application of the IO, Ld. Counsel of the accused has also prayed to summon the accused through video conferencing.

Heard and perused the case file.

It becomes clear from the perusal of the case file that Mukhtar Ansai is an accused in case FIR No. 04/2020 U/s 419, 420, 467, 468, 471 IPC and Section 30 of Arms Act, Police Station South Tola District Mau. Application for summoning the accused Mukhtar Ansari was given by the IO on dated 27.08.2020, which was allowed by the Court of Judicial Magistrate, Mau and on dated 21.09.2020 Warrant-B was sent by the District Jail Roopnagar. In the service of

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warrant B, Police of District Mau had gone to take Mukhtar Ansari who is presently detained in District Jail Roopnagar, Punjab in case FIR no.04/2020 U/s 419, 420, 467, 468, 471 IPC and Section 30 of Arms Act, Police Station South Tola District Mau. The Supdt of District Jail Roopnagar by sending a letter No.1715/20 dated 20.10.2020 by expressing his inability in producing the accused personally before the Court and has requested to conduct the appearance of the accused through video conferencing.

U/s 267 of Criminal Procedure Code there is the provision of the appearance of accused, which is as follows:-

(1) Whenever, in the course of an inquiry, trial or other proceeding under this Code, it appears to a Criminal Court,-

(a) that a person confined or detained in a prison should be brought before the Court for answering to a charge

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of an offence, or for the purpose of any proceedings against him, or

(b) that it is necessary for the ends of justice to examine such person as a witness, the Court may make an order requiring the officer in charge of the prison to produce such person before the Court for answering to the charge or for the purpose of such proceeding or, as the case may be, for giving evidence.

(2) Where an order under sub- section (1) is made by a Magistrate of the second class, it shall not be forwarded to, or acted upon by, the officer in charge of the prison unless it is countersigned by the Chief Judicial Magistrate to whom such Magistrate is subordinate.

(3) Every order submitted for countersigning under sub-section (2) shall be accompanied by a statement of the facts which, in the opinion of Magistrate, render the

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order necessary, and the Chief Judicial Magistrate to whom it is submitted may, after considering such statement, decline to countersign the order.

It is clear from the provision of Section 267 of Criminal Procedure Code that under this provision the Court by summoning any accused during the investigation, trial and other proceeding:- is MLA of Mau Assembly. The accused is a public servant. Inability has been expressed by the Superintendent of the District Jail Roopnagar from the personal presence of the accused and it has been requested to mark his appearance through video conferencing. This is well established law that the presence of the accused can be ensured through video conferencing. At present the presence/remand work of the accused is being done by Video Conferencing. In view of all the facts and circumstances in the present matter this Court is of this conclusion that to conduct the presence of the accused Mukhtar Ansari is justifiable and legitimate. There is a

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sufficient ground to produce the accused through videoconferencing for taking into judicial custody in Case FIR No. 04/2020 U/s 419, 420, 467, 468, 471/120B IPC and Section 30 of Arms Act, Police Station South Tola District Mau.

ORDER

The appearance of the accused Mukhtar Ansari wanted in Case FIR No.04/2020 U/s 419, 420, 467, 468, 471, 120B IPC and Section 30 of Arms Act in this Court be ensured on dated 02.11.2020 at 01.30 PM by Web Link https://meet.jit.si/cjmmau. The application of the IO and accused is disposed of accordingly. A copy of order be sent to the Supdt, District Jail, Roopnagar, Punjab and a copy of the order be sent to Chief Judicial Magistrate, Roopnagar, Punjab through e-mail/fax and one copy be provided to the Area Officer, Mau and IO.

Sd/-
(Vinod Sharma)
Chief Judicial Magistrate,
Lucknow

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IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, LUCKNOW

Case FIR no.236/2020
U/s: 420, 467, 468, 471, 120B IPC and U/s 3 of Public Property Protection Act, 1984
P.S. Hazratganj District Lucknow

The State Versus Mukhtar Ansari

27.11.2020

It has been stated by the applicant/accused Mukhtar Ansari by submitting an application in case FIR no.236/2020 U/s 420, 467, 468, 471, 120B IPC and Section 3 of Public Property Protection Act, 1984 P.S. Hazratganj District Lucknow that at present the applicant is detained in District Jail Ropar (Roopnagar) Punjab State in case FIR no.05/2019 dated 09.01.2019 u/s 386, 506 IPC District Mohali, Punjab. That, Warrant B has been sent by this Court in case FIR no.236/2020 U/s 420, 467, 468, 471, 120B IPC and Section 3 of Public Property Protection Act, 1984 P.S. Hazratganj,

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District Lucknow. This application has been submitted by the accused Mukhtar Ansari through counsel on this ground that at present due to Covid-19 pandemic it is very difficult for the under-trial prisoners to go from one place to other place and this is about 800 km from Punjab to Lucknow. Also the accused is a Senior Citizen and the persons standing on good positions in Uttar Pradesh keep enmity with the applicant/accused. It has been stated by the Hon'ble High Court in Writ Petition No.1/20 that physical appearance of the under-trial accused be stopped while conducting judicial proceeding through video conferencing. As well as in the matter of Suo Moto PIL No.7338/2020 State of Karnataka Versus Hon'ble High Court Karnataka the judicial proceeding has been recognized through video-conferencing. Hence, it has been prayed that the remand of the applicant/accused be conducted through video conferencing. Hon'ble M.P./M.L.A. Court Lucknow and Agra has also accepted the request of the applicant in this regard, copies of whose Orders are enclosed. It has also been told by the accused

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that in this regard State of Uttar Pradesh has currently approved the proposal to apply Uttar Pradesh State Court Video Conferencing Rules, 2020. During the Corona, the Uttar Pradesh government has felt the need for a proper hearing in the court and a hearing from videoconferencing to provide justice to the plaintiff and the defendant.

It has been stated by the prosecution while forwarding the report of Sh. Duregesh Chandra Shrivastav, Inspector, Kotwali that at present fifth phase of opening the lockdown is going in the whole country, normal life is now become almost normal and traffic throughout the country, even the general election process/polling is going on. Caution is required only with some personal protection such as masks/sanitizers etc and advisory has been issued to do the same for children and the citizens more than 60 years of age nor to close it. Fifth phase of unlock related to Covid-19 is going on, in which all types of restrictions have been lifted, even children's school have been allowed to open. Date of birth of the accused is 06.2.1963, hence he is not a Senior Citizen

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and the accused with sufficient Police Force for the safety of the accused will be produced in the Hon'ble Court. Provisions contained in section 167(2)(b)are strongly opposed.

Offence committed by the accused Mukhtar Ansari is of serious nature and Proceedings of collecting the evidences are still pending in the investigation. Therefore, judicial custody remand be granted to the accused by summoning him personally.

Heard and perused the case file.

In this regard, the report was called from the concerned Court Mohrir, then it was reported by him that total 34 remands have happened from dated 01.04.2020 to 27.11.2020, from which 28 remands have been conducted through video conferencing, 7 remands which conducted physically, are related to neighborhood district and one remand has conducted from Raibareilly through video

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conferencing. Any other remand has not been conducted physically.

Copies of the order dated 21.08.2020 passed by Special Judge M.P./M.L.A./ Add. Dist & Sessions Judge, Court No.19, Lucknow in S.T. No.1818/2012 State Versus Mukhtar Ansari in case FIR no.131/2020 P.S. Alambagh and order dated 05.10.2019 passed by Special Judge M.P./M.L.A./ Add. Dist & Sessions Judge, Court No.20, Agra in Case No.1604/2005 State Versus Mukhtar Ansari U/s 420, 419, 509, 120B IPC in case FIR no.60/99 P.S. Jagdishpura, District Agra, are available, in which permission to conduct the judicial proceeding through video conferencing has been given by the above respected Addl. Dist & Sessions Judges. It has been stated by the Hon'ble High Court in Suo Moto Writ Petition No.20 that the physical appearance of the under-trial accused be stopped while doing the judicial proceeding through video conference. Also, in Suo Moto PIL No.7338/2020 titled as State of Karnataka Versus Hon'ble

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High Court of Karnataka, Hon'ble Karnataka High Court has recognized the judicial proceeding through video conferencing.

It has also been told by the accused that in this regard State of Uttar Pradesh has currently approved the proposal to apply Uttar Pradesh State Court Video Conferencing Rules, 2020. During the Corona, the Uttar Pradesh government has felt the need for a proper hearing in the court and a hearing from videoconferencing to provide justice to the plaintiff and the defendant. It has been accepted by Sh. Durgesh Chandra Shrivastav in his report dated 11.11.2020 that Warrant-B has been issued on dated 11.09.2020 and has been served in District Court and Chief Judicial Magistrate, Ropar, Punjab. Also it has been told by above IO/Inspector that the proceedings of collecting the evidences are still pending in the above case, hence the judicial custody remand of the accused is necessary.

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Applications of the IO are being forwarded by the Learned Senior Prosecuting Officers for conducting First Remand in other cases through videoconferencing continuously and the remand of the persons already detained in jail through video conferencing of other cases are being done by this Court under the law arrangements /guidelines issued by Hon'ble Supreme Court / Hon'ble High Court Allahabad. Therefore, in the light of above facts and circumstances application of the IO/Inspector and application of the applicant/accused for video conferencing as per rules before the VCR Magistrate for disposing of the application as per rules is liable to accepted to remand as per appropriate law.

ORDER

Application of the applicant/accused dated 21.09.2020 and application of the IO/Inspector are accepted in the matter that Supdt. District Jail Ropar, Punjab is directed that he make sure to produce the accused Mukhtar Ansari before

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Magistrate, Lucknow on dated 02.12.2020 through video conference at Link I.P. Address-10.135.82.242. The accused be produced with this application before V.C.R. Magistrate, Lucknow through video conference for proceeding as per law. It is also directed that if the remand is accepted by VCR Magistrate, Lucknow through Video Conferencing then in that case in the light of the facts and circumstances, the IO/Inspector in the light of the provisions of Section 167 of Criminal Procedure Code will be free go give appropriate/as desired application that the remand of the accused has been accepted by V.C.R. Magistrate, Lucknow under the provisions of Section 167 of Criminal Procedure Code, so that there is no obstruction in the collection / interpretation of evidence.

A copy of this order be sent to the system officer of District Court, Lucknow with this instruction that on dated 02.12.2020 he will make sure to conduct the presence of the accused Mukhtar Ansari who is detained in case FIR

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no.05/3019 dated 09.01.2019 U/s 386, 506 IPC Dist Mohali, Punjab, before the Video Conferencing Magistrate through video conference.

A copy of this order be also sent to Senior Supdt. Dist Jail, Ropar, Punjab for compliance.

Sd/-
(Shiva Nand)
Chief Judicial Magistrate,
Lucknow

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ANNEXURE R-4

IN THE COURT OF SPECIAL JUDGE, M.P.M.L.A./

ADDL.DISTRICT & SESSIONS JUDGE,

COURT NO.19, LUCKNOW

Present: Pawan Kumar Rai .....H.J.S.

Criminal case No.970/2018

C.N.R. No.U.P.L.K.O 10052862012

State **Versus** Mukhtar Ansari S/o Kaji Subhanulla

Case FIR no.126/1999
U/s: 506 IPC
P.S. Krishnanagar, Lucknow

JUDGMENT

1. As per the order of Hon'ble District Judge this case after being transferred has received to this Court on dated 13.12.2019 for making the trial of the accused Mukhtar Ansari S/o Kaji Subhanulla in case FIR No.126/2018 U/s 506 IPC P.S. Krishnagar.

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2. In brief the prosecution story is as follows that on dated 01.03.1999 the complainant of the case S.P. Singh Pundir R/o G-208, Inderlok Colony, Krishnanagar, District Lucknow gave a written tahrir to the SHO of P.S. Krishnanagar to this effect that I am posted as Dy. Insp. General-Jail, U.P. and is the resident of G-208, Inderlok Colony, Krishnanagar, District Lucknow. On dated 26.02.99 when the legal work such as search in the District Jail was made then some criminals detained in this jai appears to be unhappy from me, wherein Mukhtar Ansari-MLA, Abhay Singh who are said to Gang Leader, were the main. The same day, I was told that I was being threatened by Mukhtar Ansari to shoot me dead. At the same time, I had given the oral information to the officials and others. On dated 27.02.99 in the night at about 10.30 it was told by my son that a little away from the house two persons are smoking cigarettes while sitting on a motorcycle under

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the Eucalyptus tree planted in the lawn of House No.F-182 and are looking at my house. This scene came in the eyes of my son when he got out with the dog when he called us then those persons had gone. According to my son, one person was of strong built and more than six feet long, other person was small and thick. Again in the night of dated 28.02.99 at about 09.15 PM my son got out from the hose with the dog then sound of someone's jumping came from the vacant plot lying next to my house. One strong built person of short height was wearing shirt and pant and had a gamcha in his neck, appeared running towards the same eucalyptus tree. One day ago two persons were also seen under eucalyptus tree, who were possibly signalling the third person by having cigarette in hand. These persons went towards the road from a coming empty rickshaw. When my son told then the rickshaw appeared going at some distance and many motorcycles were seen going on the road. On dated

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01.02.99 at about 12.15 PM two persons on one motorcycle again seen near my house in suspicious condition and when they seen then they entered in to Hidill Officers Colony from my house, whereas it is not a normal road of coming and going. I informed these incidents verbally on phone through Police Control Room and told the other officers also. I have received this information that the suspected persons roaming around my house on dated 27.02.99 and 28.02.99 have been seen by my driver in the morning of 27.02.99 near my house and in day time they were also seen on motorcycle on the main road outside my office situated at1, Balmiki Marg, Lalbagh. When seen in the day time then stuffed mustache has been told on the face of long strong built person. The person who seen Yamaha Motorcycle has told the number on the basis of memory as U.P-32-W-5721 or UP-32-J-5721. I doubt that the work of sending these persons is being done by Mukhtar Ansari etc. with the purpose to kill,

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kidnap or to cause any type of harm to me and my family members and is being done to cause obstruction in the government work and to run the criminal activity by creating an atmosphere of panic to violate the jail rules by frightening me.

3. On the basis of above tahrir, Police of concerned P.S. Krishnanagar registered a case FIR no.126/2018 U/s 506 IPC against Mukhtar Ansari, MLA and Abhay Singh and investigation of the matter handed over to SI Sh. Javed. During investigation IO recorded the statement of the witnesses U/s 161 CrPC and after having sufficient evidence charge sheet of Section 506 IPC was filed in the Court against the accused persons Mukhtar Ansari and Abhay Singh.

4. Ld. Magistrate after taking the cognizance on the charge sheet provided the copies of Section 207 CrPC to the accused.

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5. Thereafter, on dated 08.12.2003 charge of Section 506 IPC was imposed by the Court against the accused Mukhtar Ansari and Abhay Ansari, from which the accused denied and claimed trial.

6. As documentary evidence, the prosecution has filed the tahrir, , Chik FIR, G.D., Site map and charge sheet.

7. As verbal evidence, S.P. Singh Pundir has been examined by the prosecution as PW-1. This witness has given the statement according to the facts given in his written tahrir and has provide the written tahrir to be in his handwriting and signature, which has been exhibited by the Court as Ex.A-1.

8. Above witness has been cross-examined by the Ld. Counsel of the accused persons, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

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9. In verbal evidence, Manish Pundir has been examined by the Prosecution as PW-2. This witness has stated in his examination in chief that my father was posted as Additional I.G. in Jail Department. In the month of February, search was conducted in District Jail from the order of my father. My father discussed in the family that some prisoners detained in jail are annoyed. On dated 27.02.99 in the night at 10 PM I saw that a little away from my house two persons sitting on a motorcycle were smoking cigarette under eucalyptus tree planted next to House No.F-182 and were looking towards my house. Out of them one was long and one was of short height. When I told this in my hose and again came outside with my father and dog then those persons were not there. Next day on 28 at about 9 PM when I got outside with dog then sound of jumping came towards the right boundary of my house. When I saw that side then a short height person wearing pant and shirt and gamcha in neck ran towards eucalyptus

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tree and one ago also these persons seen there under the tree and three persons appeared to come on motorcycle. I and my family got scared from all these things and in this regard my father had lodged a case in Police Station Krishnanagar. Then Police came and inspected the place of incident and inquired around about the incident. On asking in respect of the two vehicle numbers mentioned in the Statement U/s 161 CrPC, the witness told that I don't remember the number of the vehicle. When the witness asked in reference of these suspected persons roaming around with the purpose to scare, threaten and to kill him, his family, his father as mentioned in his statement U/s 161 CrPC the witness then told that they were doing this so that I and my family got scared to see these suspicious persons.

10. Above witness has been cross-examined by the Ld. Counsel of the accused persons, which will be

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mentioned at the appropriate place as per the requirements while analyzing the evidence.

11. In verbal evidence, Saurabh Bhatnagar has been examined by the Prosecution as PW-3. This witness has stated in his examination in chief that on dated 01.03.99 I was in Moradabad, I was doing BBA there from Ruhelkhand Unviersity. Yamaha Motorcycle bearing No.UP-2-5271 was in my name. On dated 01.3.99 at about 12.00 my motorcycle was standing at my house at Lucknow. No one had brought my motorcycle to Inderlok Colony Krishnanagar.

12. Above witness has been cross-examined by the Ld. Counsel of the accused persons, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

13. In verbal evidence, Prem Shankar Dixit has been examined by the Prosecution as PW-4. This witness

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has stated in his examination in chief that on dated 26.02.99 my duty was as Prison Guard in District Jail Lucknow. On that day my duty was from 12 PM to 4 PM. At that time Mukhtar Ansari and Abhay Singh were detained in Lucknow Jail. At that time S.P. Singh Pundir was Dy. I.G. (Jail). Prior to 26.02.99, n 14.02.99 I was posted in District Jail Lucknow. Some persons had came to meet with the prisoner Mukhtar Ansari, did not have permission, hence I had sought permission from the Visitors to meet but seal of visitor was not on their hands. We did not give direct threat to anyone. On dated 26.02.99 Dy. I.G. S.P. Singh Pundir along with the S.D.M. and S.P. had taken the search of the jail. At that time I was on gate. I could not heard at the distance of two hundred meter that who is threatening to whom. Visitors used to meet Mukhtar Ansari. The day when Pundir had taken the search, on that day also visitors had came. I had said the visitors regarding the seal on hand for meeting. They did not have the

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permission seal, so I had stopped them. Nobody threatened me in respect of this stopping.

14. In verbal evidence, Ct. Dayashankar has been examined by the Prosecution as PW-5. This witness has stated in his examination in chief that on dated 01.03.99 I was posted as Ct. Mohrir in P.S. Krishnanagar. On the same day based upon the written tahrir of the complainant Sh. S.P. Singh Pundir Chik No.124/99 of case FIR no.126/99 U/s 506 IPC was registered against Mukhtar Ansari, MLA and Abhay Singh, which is enclosed in the case file in my handwriting and signature, which has been exhibited as Ex.A-2.

15. Above witness has been cross-examined by the Ld. Counsel of the accused persons, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

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16. In verbal evidence, IO Javed Khan has been examined by the Prosecution as PW-6. This witness has stated in his examination in chief that the day when investigation of the above case was handed over to me from the order of the Police Station In-Charge, the same day I did the copy of the chik in the daily diary and after departing form the Police Station I met with the complainant of the case namely S.P. Singh Pundir and recorded his statement, recorded the statement of Manish Pundir. I along with the complainant and the witness, inspected the place of incident and took the statement of the witness Pawan. Form No.2 was prepared on dated 02.3.99, in which inquiry made in respect of the accused persons. Form No.3 was prepared on 04.3.99, in which inquiry and search about the accused was made. Form No.4 was prepared on 04.3.99 in which inquiry was made regarding the accused persons. Form No.5 was prepared on 08.03.99 in which inquiry was made regarding the

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motorcycle and accused and as per the order of In-Charge V.P.Singh, I myself took the investigation of the said case. Site map enclosed in the case has been prepared in my handwriting and signature, which was exhibited as Ex.A-2.

17. Above witness has been cross-examined by the Ld. Counsel of the accused persons, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

18. Thereafter, statement of the accused persons U/s 313 CrPC was recorded, in which the accused persons have said "Nothing" in response to all the questions nos.1 to 7 and in respect of Que.8 have said that "wrongly filed" and in respect of Que.9 have said "No".

19. No evidence has been given on behalf of the defence.

20. Ld. Counsel of the accused persons has argued that the accused persons have been implicated in a false

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case just because of political conspiracy. Counsel of the accused persons has also argued that only form the observation of the First Information Report any type of offence is not found made against the accused persons. The witnesses produced by the prosecution have not proved the allegations leveled on the accused persons. The Counsel of the accused persons has also argued that the Prosecution has filed the present case only on the basis of heard evidence and suspicion. The prosecution has failed to prove the allegations leveled on the accused persons beyond a reasonable doubt and has prayed to acquit the accused persons.

21. It has been argued by the Public Prosecutor-Criminal that the prosecution has proved the allegations leveled against the accused persons beyond a reasonable doubt and has prayed to convict the accused persons.

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22. Case file was perused in perspective of the arguments of the Ld. Counsel of the accused persons and Public Prosecutor-Criminal.

23. As per the prosecution version the complainant of the case on dated 01.03.99 gave a tahrir in P.S. Krishnanagar to this effect that I am posted as Dy. Insp. General-Jail, U.P. and is the resident of G-208, Inderlok Colony, Krishnanagar, District Lucknow. On dated 26.02.99 when the legal work such as search in the District Jail was made then some criminals detained in this jai appears to be unhappy from me, wherein Mukhtar Ansari-MLA, Abhay Singh who are said to be the Gang Leader, were the main. I was told on the same day that I am being threatened by Mukhtar Ansari to shoot me dead. Apart from this on dated 27.02.99 and 28.02.99 suspected persons around the house were seen by him and his son Manish Pundir, which caused doubt that the efforts to

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kill and kidnap and to cause any type of harm to him and his family are being made by the accused persons and is being done to cause obstruction in the government work and to run the criminal activity by creating an atmosphere of panic to violate the jail rules by frightening him.

24. On the basis of above tahrir, Police of concerned P.S. Krishnanagar registered a case FIR U/s 506 IPC against the accused persons and after investigation charge sheet of the allegation of Section 506 IPC was filed.

25. Now the Court has to consider that whether the prosecution has proved the offence of Section 506 IPC against the accused persons completely beyond the doubt.

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26. Section 506 provides for punishment for criminal intimidation and Criminal Intimidation has been defined in Section 503 IPC:-

Section 503 Criminal Intimidation:- *Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.*

27. In the present matter the Court it is known from the perusal of the tahrir Ex.A-1 dated 01.3.99 that above tahrir has been written by the complainant of the case on the basis of doubt. The complainant of the case has himself mentioned in the said tahrir that he was told that the accused persons appears to be very annoyed

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from their search and seeing people around his house, he suspected that the accused persons are trying to frighten him. PW-1 S.P. Singh Pundir in his cross-examination has proved the tahrir as Ex.A-1 and has stated that many inmates must have been angry but main persons are those by whom the proceeding related to above FIR was done at my residence, the people I had doubt about, I have mentioned their names in my FIR. On 27.01.99, two people who have been told to watch on a motorcycle, has been told on the basis of hearing. There was a phone at my house but it was not such any serious matter that to inform the police. Mukhtar Ansari did not do any misbehaving with me. As per the order of the Govt. search was taken by the District Collector, Lucknow. D.M., S.D.M., S.S.P. were present. This decision of search was of the government. The search was conducted under my supervision. During the search the officers and force were with me. At that time any prisoner, Mukhtar

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Ansari, Abhay Singh had not done any misbehaving with me or any other employee nor stated any abusive words. On dated 26.02.99 Abhay Singh along with him had came in the Court on hearing. I had no conversation with Mukhtar Ansari and Abhay Singh. No threat was given. The persons who were seen roaming around my house on dated 27.02.99, 28.02.99, I didn't see them myself. The persons who were seen near the house on dated 1.03.99 at 12.15, I saw them from above. I cannot tell that these are same persons who were seen near to my house on 26.02.99. After the fact of the suspected persons around my house, I had lodged the report on the basis of doubt. I did not have any conversation and abusive behavior with the said accused Mukhtar Ansari, Abhay Singh outside the prison. This is correct that I had lodged the report on the basis of doubt. The suspected persons who were seen roaming around the house, were not seen with Mukhtar Ansari and Abhay Singh.

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28. Witness Manish Pundir PW-2 in his examination in Chief has supported the prosecution version and has stated in his cross-examination that my father did not tell us that which people are annoyed from the jail search taken by him. Their names were not told but when my father discussed it in the house then we have apprehension and we used to to look suspiciously at people around the house and passer-byes and we used to have apprehension. There is a common road in front of my house, people keep coming from it. In my statement the people whose description I mentioned, notice was given to them only due to suspicion. The persons to whom notice was given on dated 27.02.99 and 28.02.99, they said nothing to me and my family. In his Statement U/s 161 CrPC he did not state the number of any car or motorcycle in his statements, if number of any vehicle is written in my statement then I cannot tell the reason of it. I don't know Abhay Singh

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and Mukhtar Ansari. I have never seen these people. These people had not given any threat to me in front of my family members. It is true that I filed a case against unknown persons on the basis of suspicion.

29. Saurabh Bhatnagar has been examined as PW-3. This witness has stated regarding the statement of PW-2 U/s 161 of CrPC in which he has stated to see one motorcycle Yamaha bearing No.UP-32-5271 near his house, on the basis of it he has been examined as the owner of above vehicle. This witness has stated in his statement at the time of incident he was in Moradabad and on dated 01.3.99 at about 12.00 my motorcycle was standing at my house. His motorcycle is run by him only. Thus it is clear from the statement of PW-3 that this witness has not supported the prosecution.

30. Witness Prem Shankar Dixit has been examined as PW-4. This witness has in his examination in chief has not supported the prosecution version and this witness

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has been declared hostile by the prosecution and the witness is cross-examined by the Prosecution in which the witness has sated that S.P. Singh had taken the search of the Jaikl on dated 26.02.99 then he did not hear the fact of the threat to kill given by Mukhtar Ansari and Abhay Singh to his family. On dated 26.02.99 his duty was at the gate from 12 PM to 4 PM. On the same day search was conducted by Pundir Dy. I.G. Jail along with D.M., S.S.P. In-Charge Police Force, in which there was no talk of threat to kill by the accused persons no I had given any such statement to the IO. This witness has stated in his cross-examination that the IO did not take any statement from me.

31. PW-5 Ct. Daya Shankar in his examination in chief has proved the First Information Report Ex.A-2. This witness was again examined as the Second Witness of IO Virender Nath Singh in which the witness while

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giving statement as Second Witness has proved the charge sheet Ex.A-4 and has proved the G.D. as Ex.A-5. This witness has not conducted any investigation himself, but he was examined as Second Witness. This witness in his cross-examination has not made any statement in support of the prosecution version.

32. Partial investigation of the present matter has been done by the Witness Javed Khan PW-6 IO and has made the site map, the witness has proved the same as Ex.A-3. This witness has stated in his cross-examination that during investigation the witnesses had not given any statement regarding the presence of the accused persons Mukhtar Ansari and Abhay Singh at the place of incident. The people whom the complainant told, the complainant did not named them nor as per my investigation the accused persons were found at the house of the complainant. During my investigation no motorcycle was recovered. I had recorded the statement of the complainant of the case

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and he had also not told the names of the persons who were appearing at the place of incident.

33. Hon'ble Supreme Court while explaining the provision of Section 506 IPC in case titled as Fiyona Shrikhande Versus State of Maharasthra & Ors. (2013) 14, SCC 44 has expressed its opinion to this effect that threats to be criminal should be threatened with the intention of causing such a warning or fear to the person to do any such act or to refrain from doing the work. Expressing a few words without warning or with the intention to cause fear does not attract Section 506 IPC. The prosecution must show such evidence on the record so that the intention of creating fear or warning is clear. In the facts and circumstances of the present matter, no such intnetion has been expressed on behalf of the accused and nor the prosecution in this regard has submitted any such evidence in order to clarify that the complainant of the case got scared or got warning. The

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complainant has himself said in his statement that threatening to kill was not given to him by the accused. Hon'ble High Curt has also expressed the legal citation of the same intent in Hazi Abdul Rahman Versus Gulam Nabi AIR 1984 K&J, 4, Niwas Singh Versus Amar Shah AIR 1953 Patna, 188, B.T. Sharma Versus state of Manipur , 1967 Crl.L.J-1347

34. Hon'ble Supreme Court while defining the necessary ingredients of Section 503, 506 IPC in case titled as Manik Taneja and others Veruss State of Karnataka 2015 7 SCC 423 has expressed its legal opinion that *"A reading of the definition of "Criminal intimidation" would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which*

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he is not legally bound to do or omit to do an act which he is legally entitled to do. If any public servant would have been attacked by the accused person

35. The case presented by the prosecution is based on circumstantial evidence rather than any direct evidence. It is known just from the observation of first information report that the First Information Report does not directly reveal the cause of any cognizable offense. Section 6 of Indian Evidence Act provides for reference to the compatibility of facts which are part of the same practice, according to which facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same time and place or at different times and places. Section-6 of Indian Evidence Act is an exception to that general rule, according to which heard evidence is forbidden. Hon'ble High Court of Allahabad in Dalvir Singh & Ors.

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Versus State of U.P. 2020(1) JIC 898 has expression this legal opinion while explaining Section-6 of Indian Evidence Act that as a general rule of evidence, heard evidence is prohibited but Section 6 of the Indian Evidence Act is based upon the principal of Res Jeste of Englis law, which is in the exception of heard evidence, but before producing any evidence the prosecution has to prove this that the facts of such circumstantial evidence are strong like that, becomes a part of one transaction. Legal citation of same intent has been expressed by the Hon'ble Supreme Court in Dalsingh Devangan Versus State of Chhatisgarh 2017(1) JIC 364, S.C. Vasachandrashekhar Rav Versus Ponna Satyanarayan & ors. (2000) 6 SCC 286 and Jentela Vijayvadhan Rav Vs. State of Andhra Pradesh (1996) 6 SCC 241.

36. In the present matter as per the prosecution version the complainant of the case when on dated 26.02.99

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S.P. Singh Pundir went on the inspection of District Jail Lucknow then he suspected that some prisoners of the jail are annoyed from his inspection and he was told by some persons that accused persons were giving threat but no witness has been produced by the prosecution, who has given such statement that any type of the threat was given by the accused persons to the complainant of the case. This fact is notable here that when the complainant of the case had gone for jail inspection then S.P., S.S.P., D.M. and P.A.C. force were also with him but the fact of giving threat to anyone did not come in cognizance. Himself the complainant of the case could not know that who is giving threat rather S.P. Singh Pundir PW-1 has stated even this in his statement that any misbehaving was never done by the accused persons with him inside or outside the Dist Jail and nor any type of threat was given. Apart from this as per the prosecution version on dated 27.02.99 at 10.30 PM it was told by the

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complainant's son Manish Pundir that around the house two persons sitting on a motorcycle are smoking cigarette, which he reached downstairs then they had left. Again on dated 28.02.99 at 9.15 PM sound of someone's jump came from the empty plot lying next to the house of the complainant of the case and on dated 01.3.99 at 12.15 PM two persons on one motorcycle appeared around the house of the complainant of the case in suspected condition but any witness examined by the prosecution has not stated this fact that some persons were sent by the accused persons at the house of the complainant of the case for giving threat.

37. The motorcycle which PW-2 Manish Pundir has mentioned, owner of said motorcycle namely Saurabh Bhatnagar has been examined as PW-3, who in his statement has denied from this fact that his motorcycle would have ever gone at the place of incident. Witness PW-1 and PW-2 have accepted in their statements that

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the place where house of the complainant of the case is situated, there is a road opposite to it and vehicles and people always keep coming and going on the road. In such a case it is very natural one-two person or motorcycle can be seen around the house. PW-1 has also accepted this in his statement that he had lodged the report on the basis of doubt, the suspected persons who were seen roaming around the house, were not seen with Mukhtar Ansari and Abhay Singh and PW-2 has also accepted in his statement that he does not know Abhay Singh and Mukhtar Ansari and no has ever seen these persons. These persons had not given any threat to me and my family members. This is correct that the case was lodged on the basis of doubt. Witness PW-3 has also not supported the prosecution version in his statement. PW-4 Prem Shankar has been cross-examined by the prosecutoin by declaring him hostile but even in the cross-examination the above witness has not supported the prosecution

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version and no such fact is visible from which involvement of the accused comes in light. Thus when we consider the summary of all the evidences produced by the prosecution then it reveals that there are so much intervals in the prosecution version and the evidences produced and even if we find through circumstantial evidence, we find that the chain of circumstantial evidence does not complete. Rather the evidence produced by the prosecution are about to destroy the prosecution version itself. In the present case, the prosecution has not been able to produce any such evidence in which the involvement of the accused persons can be known. This matter is a case of without evidence, in which the court has no option apart from acquitting the accused.

39. Thus it is clear from the above analysis that the prosecution in the present matter has failed to produce any evidence against the accused persons Mukhtar

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Ansari and Abhay Singh. This matter is a case of without evidence, in which the court has no option apart from acquitting the accused persons Mukhtar Ansari and Abhay Singh.

40. On the basis of the above analysis, the Court is of this conclusion that in the present matter from the evidence produced by the prosecution, the prosecution has failed to prove the allegations U/s 506 IPC leveled against the accused Mukhtar Ansari and Abhay Singh beyond a reasonable doubt, in result of which the accused persons Mukhtar Ansari and Abhay Singh are liable to be acquitted from the offence of Section 506 IPC.

ORDER

Accused persons Mukhtar Ansari and Abhay Singh are liable to be acquitted from the offence of Section 506 IPC. In this matter Accused persons are on bail. Their bail bond is cancelled and sureties are released from their obligations.

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Accused persons should ensure the compliance of Section 437A CrPC.

Date: 23.12.2020

Sd/- (Pawan Kumar Rai)
Special Judge M.P./MLA
Addl. Sessions Judge, Court No.19
Lucknow

Above judgment and order signed, dated and pronounced by me today in open Court.

Date: 23.12.2020

Sd/- (Pawan Kumar Rai)
Special Judge M.P./MLA
Addl. Sessions Judge, Court No.19
Lucknow

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ANNEXURE R-5

IN THE COURT OF SPECIAL JUDGE, M.P.M.L.A./

ADDL.DISTRICT & SESSIONS JUDGE,

COURT NO.19, LUCKNOW

Present: Pawan Kumar Rai .....H.J.S.

Criminal case No.199/2000

C.N.R. No.U.P.L.K.O 10003482000

State **Versus** Mukhtar Ansari

Case FIR no.428/1999

U/s: 2/3 Gangster Act

P.S. Hazratganj, Lucknow

JUDGMENT

1. Charge-sheet for trial in case FIR no.428/1999 U/s 2/3 of The UP Gangsters and Anti-Social Activities (Prevention) Act, 1986(Gangster Act) was filed by the Police of P.S. Hazratganj against the accused persons

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namely 1. Abhay Singh, 2. Shoaib Kidwai @ Bobby, 3. Inder Dev Mishra, 4. Akbar Hussain, 5. Mahavir Singh, 6. Rintu Singh @ Vijay Kumar, 7. K.D.Singh @ Ajay Prakash, 8. Guddu Singh @ Rajender Pratap Singh, 9. Rajiv Singh @ Raju, 10. Bablu @ Arun Kumar Upadhyay, 11. Amit Rai, 12. Amit Kumar Rawat, 13 Sanjeev Dwiedi @ ramu, 14. Manoj Verma, 15. Surender Kumar, 16. Chandra Prakash Singh, 17. Himanshu Negi, 18. Milit gaur, 19. Pushpender Singh, 20. Sandeep Singh Yadav, 21. Chandan Singh Negi, 22. Pawan Kumar Upadhyay, 23. Anil Kumar Tiwari, 24. Ram Kumar Singh, 25. Mukhtar Ansari.

2. During the trial, the proceedings were terminated by the Hon'ble High Court due to the accused persons Akbar Hussain, Ram Kumar Singh, Guddu Singh, Rajiv Singh @ Raju, Amit Kumar Rawat, Amit Rav, Anil Kumar Tiwari, Sanjeev Dwiedi @ Ramu, Himanshu

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Negi, Milit Gaur and Surender Kumar being found not guilty of gangster act in various petitions.

3. Accused persons Abhay Singh, Rintu Singh @ Vijay Kumar Singh, Manoj Verma were acquitted by the Special Judge, Gangster Act for being not proving the crime against them.

4. Due to the death of accused Manish Singh, Arun Kumar Upadhyay @ Bablu, Chandra Prakash Singh, Chandan Singh Negi, proceedings against them were abrogated.

5. Accused perosns Pawan Kumar Upadhyay, Pushpender Singh and Sandeep Singh Yadav has already been exonerated by the then Court from the offence of Section 2/3 of The UP Gangsters and Anti-Social Activities (Prevention) Act, 1986 (Gangster Act), which has been mentioned in the order sheet.

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6. The case file of the accused persons Shoaib Kidwai, Inder Der Misha and K.D. Singh @ Ajay Prakash has been separated.

7. As per the order of Hon'ble District Court this matter after being transferred has received to this Court on dated 13.12.2019 for the trial of accused Mukhtar Ansari U/s 2/3 of Gangster Act.

8. In brief the prosecution version is as follows that on dated 02.05.1999 SHO Tejpal Singh Verma along with SI Ramesh Chandra Pushkar, Ct. 2242 Bachcha Lal, Ct. 2422 Ramesh Chandra Shukla, Ct. 3150 Ram Badan Singh, R.C. Yogender Singh along with Govt. Jeep and Driver Babban Singh departed from the police station vide Report No.21 at 11.15 AM came in the area of present police Station within the jurisdiction of District Mau for Beat Information and report No.44 dated 29.04.99. After getting some information from the people here in District Mau, it came to know that

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Suresh Kumar Dhobi R/o Kukdi P.S. Karauna in District Hardoi who is a vicious goon, is roaming along with his three-four associates and saying while roaming around that we have created terror in district Lucknow under the direction of our Gang-Leader Abhay Singh and Abhay Singh through his associates had shot dead the Supdt. of Lucknow Jail in the broad day light. Police has arrested some of our associates and sent to Jail, we are trying to get them released. You people arrange money and you people don't inform the police to arrest us nor help the police otherwise you will have to lose your life. As soon as our companions are released from jail, we will commit so many crimes in Lucknow district that the police will not be able to sleep easily. Above Mafia Abhay Singh S/o Bhagwan Baksh Singh R/o Rajipur P.S. Maharajganj District Faizabad is a heinous criminal, who, even while in jail, does not even hesitate to commit sensational crime committed through his gang members. More recently on daed 30.04.99 some

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accused persons of the murder of Sh. R.K. Tiwari, Jail Supdt. who had came from jail on remand, said the murder eye-witness Vinod to not to give witness and in respect of giving threat to kill on giving deposition, case FIR no.413/99 U/s 504, 506 IPC has registered on the present police station on dated 30.04.99. Abhay Singh's main members are Shoaib Kidwai @ Bobby S/o Mahmood Nazeer Kidwai R/o Civil Line P.S. Kotwali, Barabanki, Inder Dev Mishra S/o Devesh Mishra R/o Paras Patti Majhawan P.S. Umri Dist Gonda, Akbar Hussain @ Sajju S/o Asgar Hussain R/o Baghsa Near City Station P.S. Wazirganj, Lucknow, Manish Kumar Singh S/o Ram Krishan Singh R/o Haripur P.S. Jamalpur Dist. Jaunpur, Ram Kumar Singh S/o Vishwanath Singh R/o Aurangabad P.S. Kaleha Dist Baranbaki, Tinku Singh @ Vijay Kumar S/o Shiv Bahadur Singh R/o Village Kuretha P.S. Umri Begamganj, Dist Gonda, K.D. Singh @ Ajay Prakash Singh S/o Ram Pal Singh R/o Village Jarasi P.S.

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Chandwal Dist Jaunpur, Guddu Singh @ Rajender Pratap Singh S/o Ram Nayak Singh R/o Village Kuretha P.S. Umri Begamganj Dist. Gonda presently at Subhash Hostel Lucknow University, Rajiv Singh @ Raju Singh S/o Rameshwar Singh R/o Kundol Dist. Devria, presently at N.D. Hostel Lucknow University, Bablu @ Arun Kumar Upadhyay S/o Ram Murti Upadhyay R/o P.S. Gajipur Lucknow, Amit Kumar Rawat S/o Ram Gopal Rawat R/o Sarai Mihi P.S. Satrikh Dist Barabanki, Amit Rai S/o Rajender Prasad Rai R/o Jotha P.S. Bohrighat Dist Mau Presently at 33 Balrampur Hostel Lucknow University, Pawan Kumar Upadhyay S/o Rajender Prasad R/o P.S. Saihabgarh Dist Siddharth Nagar, Anil Kumar Tiwari S/o Shivshankar Tiwari R/o P.S. Thakurganj Lucknow, Raju @ Sanjeev Dwiedi S/o Ramarth Dwiedi R/o P.S. Chorichaura Dist Gorakhpur, Manoj Verma S/o Rajmani Verma R/o Mirjapur P.S. Akbarpur Dist. Ambedkar Nagar, Surender Kumar S/o Shripal Dhobi

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R/o Kukuhi P.S. Kachauna Dist Hardoi, Chandra Prakash Singh S/o Rangbahadur Singh R/o Chiloni P.S. Amaniganj Dist Faizabad presently at Golden Jubilee Hostel Lucknow University, Himanshu Negi S/o Jagmohan Singh R/o Golaganj P.S. Wazirganj, Lucknow, Pushpender Yadav S/o Arjun Singh R/o Vajila P.S. Ropura, Dist Chitrakoot, Sandeep Singh S/o Jagdeep Singh Yadav, R/o 14, Devidas Marg P.S. Thakurganj Dist Lucknow, Chandan Singh Negi S/o Surya Singh Negi R/o 14 Purvanchal Nagar P.S. Gajipur Lucknow, Mukhtar Ansari S/o Kaji Subhan Aman Ansari R/o 295, Yusufpur Mohammadabad P.S. Mohammabadab Dist Gajipur. Abhay Singh under his direction does heinous crimes like murder, loot, dacoity, riots, kidnapping through the members of his gang and by terrifying the public he earns undue benefit for himself and his members. By raising money from these anti-social activities, this gang has made this their livelihood and has scared the public so much

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that no person in public can dare to write a report against him and his gang. Abhay Singh maintains contact with his gang members through excessive amenities, communication tools even while inside the jail and by operating the gang keeps committing various crimes, due to which general people of District Lucknow are not able to feel themselves safe. The example of the vivid crime by this gang is the murder of the Jail Supdt Shri RK Tiwari done on dated 04.02.99 in Hazratganj Area, regarding which there are Case FIR No.106/99 U/s 302, 307 IPC P.S. Hazratganj, Case FIR no.161/90 U/s 454, 380 IPC P.S. Hasanganj, Case FIR No.64A/99 U/s 151, 148, 352 IPC P.S. Hasanganj, Case FIR no.494/95 U/s 148, 149, 307 IPC and Section 7 of Criminal Law Amendment Act, Case FIR no.473/95 U/s 2/3 Gangster Act, Case FIR no/20/98 U/s 2/3 Gangster Act, P.S. Hasanganj, case FIR no.55A/95 U/s 147, 148, 149, 307 IPC, Case FIR no.466/95, U/s 323, 504, 506 IPC, case FIR no.514/95

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U/s 147, 148, 149, 307 IPC, case FIR no.09/96 U/s 147, 148, 149, 302 IPC and Section 5 of Explosive Acts, Case FIR no.972/98 U/s 147, 308, 325 IPC, case FIR no.115A/95 U/s 307 IPC, Case FIR no.80/99 U/s 448, 506 IPC, Case FIR no.167/99 U/s 3/25 Arms Act, Case FIR no.205/97 U/s 147, 148, 149, 307 IPC all at P.S. Hasanganj, Case FIR no.109/99 U/s 394 IPC, case FIR no.1002/98 U/s 392, 411 IPC, P.S. Hasanganj, case FIR no.49/99 U/s 392 IPC, case FIR no.224/98 U/s 392 IPC P.S. Mahanagar, Case FIR no.390/98 U/s 392 IPC P.S. Chowk, Case FIR no.126/99 U/s 506 IPC P.S. Krishna Nagar, Case FIR no.501A/95 U/s 147, 148, 149, 307, 504, 506 IPC P.S. Umri Begamganj District Gonda, case FIR no.7377/97 U/s 506 IPC P.S. Baywari District Varanasi etc.

9. On the basis of above tahrir, a case was registered against the above accused persons at P.S. Hazratganj under section 2/3 of UP Gangsters and Anti-Social

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Activities (Prevention) Act, 1986 (Gangster Act) and their gangchart was prepared. The matter was investigated by the IO and the statement of the witnesses U/s 161 CrPC recorded and their gang-chart was prepared. Matter was investigated by the IO and statements of the witnesses U/s 161 CrPC recorded and after investigation charge sheet was filed against the accused persons.

10. The then Court took the cognizance of the case and compliance of Section 207 IPC was ensured by summoning the accused persons and by giving them the copies of prosecution documents.

11. Thereafter, allegation U/s 2/3 UP Gangsters and Anti-Social Activities (Prevention) Act, 1986 (Gangster Act) against the accused persons was framed by the then Court, allegation was read over, narrated and explained to the accused persons, which they denied and claimed trial.

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12. As documentary evidence, the prosecution has filed First Information Report Ex.A-1, Charge Sheet Ex.A-2, Gangchart Ex.A-3,Tahrir Ex.A-4, Chik FIR Ex.A-6

13. As verbal evidence, the prosecution has examined S.P. Singh Pundir PW-1, Tejpal Singh PW2, Ct. Dayashankar PW-3, Ravinder Singh PW-4, S.I Narender Singh PW-5, Insp. Ramesh Chandra Pushkar PW-6, Ct. Sunil Kumar Pandey PW-7, Sh. Naseem PW-8, Habib Ullah Khan PW-9, S.I. Ashok Sarswat PW-10 H.C. Surender Singh PW-11, S.I. M.M. Khan PW-12, Ramchandra Jaiswal PW-13, Ram Chandra Gaur PW-14, Virender Nath Singh PW-15, Vijay Narayan PW-16, Shailesh Kumar Singh PW-17, Ram Adhar Yadav PW-18, Manish Pundir PW-19, SI Satyadev Singh PW-20.

14. Prosecution Witness PW-1 S.P. Singh Pundir has stated in his examination in chief that in the year 1999 I

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was posted as Add. Insp. General (Jail). On daed 26.02.99 I conducted the search of the prisoners of the District Jail Lucknow, due to which some prisoners got angry, the main in which were Mukhtar Ansari and Abhay Singh. I was told that threat to kill has been given to me. On dated 27.2.99 at about 10.30 AM two suspected persons sitting on motorcycle under the Eucalyptus tree were seen by my son Manish Pundir near to my residence House No.182, who were keeping eye on my residence. At that time my son had went outside to roam the dog. When he told then I came outside then those persons had left. One of these persons was said to be more than six feet tall strong built and the other person was thick and short. On dated 28.2.29 at about 9.15 PM my son had went outside to roam the dog. One person jumped from my boundary in the vacant plot next to my house. This person was wearing shirt-paijama and was wearing gamcha in his neck. The previous day two persons

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sitting under the eucalyptus three were signalling by raising the cigarette. When my son told and we came outside then these persons were seen going by sitting in rickshaw and seven-eight motorcycles were seen on the road ahead. On dated 01.3.99 at about 12.15 PM two persons were standing in suspicious condition. As soon I came out from the house these persons came to my house sitting on motorcycle, at that time I had gone inside my house. Persons sitting on this motorcycle ran in the colony situated near to my house, which is not a road of coming and going. I had lodged a FIR in P.S. Krishnanagar, in which while mentioning the incident FIR was lodged against Mukhtar Ansari and Abhay Singh for giving threat to kill, causing damage to the wall and for causing obstruction in government work. In this case my and my son's statement has been recorded in the lower court.

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15. Cross-examination from the above witness has been done by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

16. Prosecution witness PW-2 Tejpal Singh has stated in his examination in chief that in the year 1999 he was posted as Inspector In-Charge in P.S. Hazratganj. In February, 99 when sensational murder of Jail Supdt Sh. R.K. Tiwari was happened at DSO Crossing in which name of total 25 persons along with the accused had came in light, against whom charge sheet after investigation was filed by me on dated 04.06.99. Charge Sheet and certified photocopy of FIR dated 04.02.99 registered at Police Station Hazratganj bearing No.106/99 u/s 302, 307 IPC is in front of me. Charget sheet is in my handwriting and signature. FIR is in the handwriting and signature of the then Head Mohrir Narender Bahadur Singh, which I identify. This

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FIR has exhibited as Ex.A-1 and Charge sheet has exhibited as Ex.A-2. On daed 02.05.99 I along with SI R.S. Pushkar and four constables departed from the Police Station in a Jeep to investigate the information mentioned at G.D. no.44 dated 29.04.99 and reached at Dist Mau, where during investigation it was found on making inquiry from the people that Surender Kumar resident of Dist Hardoi along with his three-four associates is roaming in the area and saying that our gang-leader Abhay Singh from his associates did the murder of Jail Supdt. in broad day light in which Police has arrested some people of our gang and has them to jail, we are trying to get release them, so you people arrange the money and don't inform the police otherwise you will have to lose your life. There were several members in the gang of Abhay Singh who at that time used to commit serious offences like loot for financial and physical benefit, murder, beatings in Dist Lucknow and other districts. Due to the fear and terror

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of Abhay Singh and above members of his gang general public not even used to dare to write a case and to give deposition and while being in jail Abhay Singh used to commit crimes from the members of his gang through communications tools. The clear example of this is to murder the Jail Supdt. in broad day light through his members while being in jail. I under my instructions had prepared the gangchart against Abhay Singh and his members from Head Mohrir and had signed on it after reading and had it approved from the District Magistrate, gangchart is included in the case file, which has exhibited as Ex.A-3. The witness has proved that the tharir related to the First Information Report of the case was written by S.S.I Ramesh Chandra Pushkar on his drafting and has proved his signature on it, which has been exhibited as ExA-4. Abhay Singh had threatened the eyewitness of Jail Supdt murder Vinod for not giving the deposition, FIR of which was lodged by Witness

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Vijay Gaur at P.S. Hazratganj vide Case FIR No.413/99 U/s 504, 506 IPC dated 30.04.99. Several cases of the offences like murder, attempt to murder, loot, dacoity, riots, recovery etc. have been registered against the accused Abhay Singh and the members of his gang in P.S. Hazratganj, Mahanagar, Hasanganj, Chow, Krishnanagar and District Gonda, which were pending in various Court, which have been mentioned in detail in Gangchart Ex.A3. The members of the said gang had kept it as the business of illegally earning money by doing the above criminal act, due to which their fear and terror had pervaded. In view of their crime and anti-social activities, Gangchart was prepared and approved as per rules after this crime was registered by me.

17. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the

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appropriate place as per the requirements while analyzing the evidence.

18. Prosecution witness PW-3 Ct. Daya Shankar in his examination-in-chief has stated that on dated 01.03.99 I was posted at the post of Ct. Mohrir, on the same day I had written case FIR no.126/99 U/s 506 of IPC, in which Mukhtar Ansari and Abhay Singh were made accused. The witness has provied the certified photocopy of the chik which is enclosed in the case file, which has been exhibited as Ex.A-5.

19. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

20. Prosecution witness PW-4 Ravinder Singh has stated while giving statement in his Examination-in- Chief that on dated 02.05.99 I was posted as Constable in P.S.

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Hazratganj Kotwali. On the same day on the basis of the written tahrir of the SHO Tejpal Singh, Kotwali Inspector In-charge case Fir No.428/99 U/s 2/3 of UP Gangsters and Anti-Social Activities (Prevention) Act, 1986(Gangster Act) was filed the other accused persons namely Shoaib Kidwai @ Bobby, Inder Dev Mishra, Akbar Hussain, Manish Kumar Singh, Ram Kumar Singh, Tinku Singh @ Vijay Kumar, K.D. Singh, Ajay Prakash, Guddu Singh, Rajiv Singh, Bablu @ Arun Kumar Upadhyay, Anil Kumar Rawat, Amit Rai, Pawan Kumar Upadhyay, Anil Kumar Tiwari, Ramu @ Rajiv Dwiedi, Manoj verma, Surender Kumar, Chandra Prakash Singh, Himanshu Negi, Miling Gaur, Pushpendra Singh, Sandeep Singh, Chandan Singh Negi, Mukhtar Ansari. The witness said after watching the enclosed FIR Chik Page No.1 to 4 that this is the same FIR which was registered by me. The witness has provided it to be in his handwriting and signature, which has been exhibited as Ex.A-6.

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21. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

22. Prosecution Witness PW-5 SI Narender Bahadur Singh has stated in his cross-examination that in the year 1998-99 he was posted on the post of Ct. Headmohrir in P.S. Hazratganj. On dated 04.02.99 on the application of the Jailor, Dist Jail Lucknow Ghanshyam a case FIR No.106/99 U/s 307, 302 IPC P.S. Hazratganj was registered against two unknown motorcyclists name and address unknown. On dated 06.2.99 on the basis of the written tahrir of the complainant Ram Chandra Gaur one kita chik case FIR no.109/99 U/s 394 IPC was registered at P.S. Hazratganj against two unknown persons name-address unknown and on 09.10.98 on the tahrir of the complainant Naseem Ahamd Siddiqui, case FIR

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No.1002/98 U/s 392 was registered against two unknown persons sitting on black colour motorcycle. All the three chiks are in my handwriting and signature, which are included in the case file. I recognize my handwriting and signature. Ex.A-1 is already given on the chik of Case FIR no.106/99 U/s 307, 302 IPC P.S. Hazratganj, Chik related to Case FIR No.109/99 U/s 394 IPC P.S. Hazratganj exhibited as Ex.A-7 and Chik related to Case FIR No.1002/99 U/s 392 IPC of the two unknown persons on black colour motorcycle was exhibited as Ex.A-8.

23. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

24. Prosecution witness PW-6 Inspector Ramesh Chandra Pushkar has stated in his examination in chief that in the year 1998 he was posted as Sub-Inspector in

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P.S.Hazratganj. Investigation of the Case FIR no.1002/98 U/s 392 IPC P.S. Hazratganj was done by me. Accused Ravi Dubey and Suresh @ Bobby had came in light, whose identification proceedings were conducted in District Jail, in which the complainant Naseem had not identified both the accused persons. By taking the Accused Shoaib @ Bobby on remand, on his identification complainant's looted bag was recovered and on getting the evidence against the accused, the witness has proved to send the charge sheet No.261/99 on 31.05.99, which has been exhibited as Ex.A-9.

25. Above witness has not been cross-examined by the Ld. Counsel of the accused.

26. Prosecution Witness PW-7 Ct. Sunil Kumar Pandey has stated in his examination in chief that in the year 1998 he was posted as Ct. Mohrir in P.S. Hasanganj. On dated 16.04.98 based upon the written tahrir of the

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complainant Shailesh Kumar Singh one Chik Case FIR no.115A/98 U/s 147, 336, 504, 506, 323 IPC was registered against Shiv Bhushan Singh, Pawan Upadhyay, Inder Dev Mishra, Hemant Upadhyay, Vijay Singh, certified copy of its chik is enclosed on the case file, which has been exhibited as Ex.A-10.

27. Above witness has not been cross-examined by the Ld. Counsel of the accused.

28. PW-8 Sh. Naseem has stated in his examination in chief that it is matter of 1998, it was 12 o'clock in the day, I was going from Janpath Market after withdrawing Rs.39,000/- from Bank of Baroda and placing it in a bag, near Darulshafa two persons sitting on motorcycle came, from which the person sitting behind swooped and snatched the bag. He was 30-35 years of age and was wearing Kurta-paijama, information of which was given in P.S. Hazratganj. When the contents written in the Chik of case FIR No.1002/98 u/s 392 IPC read and

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heard to the witness then the witness that I had written the same facts in my chik.

29. Above witness has not been cross-examined by the Ld. Counsel of the accused.

30. PW-9 Habib Ullah Khan has stated in his statement that on dated 28.02.99 I was posted as Ct. Mohrir in P.S. Mahanagar. On the basis of the tahrir of the complainant Ramchandra Jaiswal, Chik of case FIR no.119/99 U/s 392 IPC was prepared against three persons sitting on motorcycle name-address unknown was registered, in which accused persons had said that Rs.Fifty Thousand were looted. Photocopy of which is enclosed on the case file, the witness has proved it and this has been exhibited as Ex.A-11.

31. Above witness has not been cross-examined by the Ld. Counsel of the accused.

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32. PW-10 Ashok Saraswat, Inspector In-Charge in his examination in chief has stated that on dated 13.06.99 he was posted as SSI in P.S. Husanganj. After the transfer of IO Inspector In-Charge Ram Aadhar Yadav, investigation of case FIR no.429/99 U/s 2/3 of UP Gangsters and Anti-Social Activities (Prevention) Act has been done by me, in which there are total 25 accused persons including Abhaysingh etc. On dated 13.06.99 statement of Tejpal Singh Verma, Inspector In-Charge was recorded. On dated 15.08.99 statements of the Writer of case FIR no.126/99 U/s 506 IPC P.S, Krishnanagar namely Ct. Dayashankar and complainant S.P. Singh Pundir and Virender Nath and some witness Manish Pundir, were recorded. On dated 22.07.99 statements of the Writer of case FIR No.1002/98 P.S Hazrat Ganj namely Narender Bahadur Singh and SI Ramesh Chandra Pushkar was recorded. On dated 13.08.99 statement of the witness

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Naseem Ahmad was recorded and further investigation has been done by SSI M.M. Khan upto 28.01.2000.

33. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

34. PW-11 HC Surender Singh has stated in his examination in chief that on dated 05.03.99 at 4.30 PM on the basis of the written tahrir of the student Harender Bahadur Singh BA-3 University I had registered a Chik FIR No.60/99 U/s 448 IPC P.S. Hasanganj against unknown person. The witness has proved the certified copy of the chik to be in his own handwriting and signature, which has been exhibited as Ex.A-12.

35. Above witness has not been cross-examined by the Ld Counsel of the accused.

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36. PW-12 Inspector In-Charge M.M. Khan has stated in his statement that on dated 16.1.2000 I was posted as SSI Hasanganj. After the transfer of SSI Ashok Saraswat I had taken the investigation of the case. I perused the documents filed by the previous IO. On dated 17.03.2000 made the entry of the bail bond of the accused persons in the case diary. On dated 15.04.2020 statements of Sh. Ram Chandra Gaur Complainant of case FIR No.109/99 and Ram Chandra Jaiswal, Complainant of case FIR no.119/99 and Shailesh Kumar Complainant of case FIR no.115A/98 was recorded. On dated 17.04.2000 took the statement of Ct. Habibulla Writer of FIR No.119/99 and IO Vinod Singh. Thereafter, statement of the write of case FIR No.69/99 Surender Singh and IO S.I. B.N. Pandey was recorded. Thereafter, statement of the writer of case FIR No.115A/98 was recorded. On dated 18.04.2000 on the basis of the sufficient evidence in the above

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case charge sheet was filed against the accused Abhay Singh, Shoaib Kidwai, Inder Dev Mishra, Akbar Hussain, Munish Kumar Singh, Ram Kumar Singh, Vijay Kumar Singh, Ajay Prakash Singh @ K.D. Singh, Rajender Pratap Singh, Rajiv Singh, Arun Kumar Upadhyay, Amit Rawat, Amit Rai, Pawan Kumar Upadhyay, Anil Kumar, Raju @ Sanju Dwiedi, Manoj Verma, Surender Kumar, Chandra Prakash Singh, Himanshu Negi, Milin Gaur, Pushpender Singh, Sandeep Singh Yadav, Chandan Singh Negi and Mukhtar Ansari, which is in my handwriting and signature and is enclosed with the case file, which has been exhibited as Ex.A-13.

37. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

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38. PW-13 Ram Chandra Jaiswal has stated in his examination in chief that the incident is of dated 28.2.99. At that time I was working in Shabab Office at Channi Lal crossing. I was given Rs.Fifty Thousand by the seller Kamal Singh for depositing in the Office. I was on rickshaw that three persons riding on motorcycle stopped my rickshaw and by pointing katta (country made pistol) they snatched Rs.Fifty thousand. I had given written information of which in P.S. Mahanagar. When the tahrir of Case FIR no.119/99 U/s 392 IPC P.S. Mahanagar was read over to the witness then he stated that I had written the same contents in the tahrir. The witness has proved the tahrir, which has been exhibited as Ex.A-11.

39. Above witness has not been cross-examined by the Ld Counsel of the accused.

40. PW-14 Ram Chandra Gaur has stated in his examination in chief that on dated 06.02.99 I was

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posted as clerk in Govt. High School, Narhi. At 11.30 AM I had gone to Allahabad Bank, Hazratganj to withdraw the salary. After withdrawing Rs.87,786/- When I reached in front of Nawab Ajgar Hussain Press then above bag of the salary of School's employees was looted. On the same day I had lodged the report of this incident in P.S. Hazratganj. Case FIR number of that case was 109/96 P.S. Hazratganj.

41. Above witness has not been cross-examined by the Ld Counsel of the accused.

42. PW-5 Virender Nath has stated in his statement that on dated 17.6.99 I was posted as Inspector In-Charge in P.S. Krishnanagar. Case FIR no.126/99 P.S. Krishnanagar was registered in my presence, investigation of which was being done by Javed Khan, V.P. Singh. After the transfer of the IO V.P. Singh I was appointed as In-Charge in P.S. Krishnanagar, therefore, I had received the above investigation being

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done by him. Upon proving the crime, Charge Sheet No.254/99 dated 17.06.99 of Section 506 IPC was filed against the accused persons Mukhtar Ansari and Abhay Singh. The witness has proved the charge sheet, which has been exhibited as Ex.A-12.

43. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

44. PW-16 Vijay Narayan Pandey has stated in his statement that on dated 05.02.99 I was posted as Sub Inspector in P.S. Hazratganj. Case FIR no.60/99 U/s 448 IPC was registered against some unknown persons. This case was registered by the student of B.A. Third year namely Harender Bahadur Singh. Ct. Mohrir Surender Singh had registered this case, investigation of which was handed over to me. I did the investigation but at this time I don't remember that

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whether the charge sheet after completing the investigation was filed by me or not. I was posted in P.S. Hasangaj for about one year. My posting was remained during the year 1998-99. In this matter, case under Gangster Act was registered against the accused persons, during investigation of which my statement was recorded by S.S.I Hazratganj M.M. Khan. According to the gangchart enclosed in the case file in case FIR No.60/99 U/s 448 of IPC P.S. Hasanganj, accused namely Inder Dev Mishra s/o Devesh Chandra Mishra R/o Paras Patti Majhawar P.S. Umri, Begamganj District Gonda was shown accused of Gangster Act in the gangchart.

45. Above witness has not been cross-examined by the Ld Counsel of the accused.

46. PW-17 Shailesh Kumar Singh has stated in his examination in chief that in the year 1998 I was student of L.U. I was the candidate of General Secretary of the

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Union. We had lodged a case U/s 147, 336, 504, 506, 323 IPC in P.S. Hasanganj against the Piyush Bhushan Singh, Pawan Upadhyay, Inder Dev Mishra, Hemant Upadhyay, Dinesh Singh. Facts mentioned at the page of Chik No.114/98, enclosed with the case file were read over to the witness. The witness said that on these same facts I had lodged the FIR.

47. Above witness has not been cross-examined by the Ld Counsel of the accused.

48. PW-18 Ram Adhar Yadav has stated in his examination in chief that from the order dated 28.05.99 of the Supdt of Police, I had received the investigation of the case FIR No.428/99 U/s 2/3 Gangster Act. P.S. Hazratganj. At that time I was posted on the post of Inspector In-Charge Hazratganj. Records related to the Copy of chik, copy of report and case were copied by me in the case diary. Statement of FIR writer Ravinder Singh was taken. On dated 25.05.99 I made the inquiry

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by going in P.S. Hazratganj. After inquiring the date of remand I returned back. Thereafter, I was transferred.

49. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

50. PW-19 Manish Pundir has stated in his examination in chief that the incident is of dated 27th February, 1999 at 10.30 AM. When I got out with my dog then two persons whose description that one of was six feet long and strong built and other was thick ad short, were standing under the Eucalyptus tree near House No.F-183. I saw that both these persons are looking at my house very carefully. Seeing me coming to them, they left. Next day on 28.2.99 at 9.15 PM I again got out with my dog and found that the plot next to my house, which was vacant at that time, one person jumped in that plot from my boundary, I heard the sound of which

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and that person while stepping in front of me sat on the rickshaw and went away. Two persons which I had seen on the last night, those persons went away with him on rickshaw. Whose information I gave to my family members and when members of our family came outside then they saw many motorcycles going away at some distance. Next day on 01st March, 99 at 12.15 PM I saw to persons going away in front of my house and when those persons saw that I was watching them then they had turned by their motorcycle in a road in Highdil colony, which was not a common way. The SI took my statement in this case. The case related to this case which my father had lodged, my statement has been recorded in it.

51. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

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52. PW-20 Satyadev Singh Area Officer has stated in his examination in chief that on the order of Jail Supdt., Unnav I was directed to produce the accused Mukhtar Ansari on dated 12.07.2012 in the Court of Hon'ble Judge Special Judge Gangster Court, Lucknow, therefore, today on dated 13.07.12 I have produced the accused Mukhtar Ansari in the Court of Special Judge, Gangster Court, Lucknow.

53. Above witness has not been cross-examined by the Ld Counsel of the accused.

54. Thereafter, statement of the accused U/s 313 CrPC was recorded through V.C.R. In which the accused has said the alleged incident as wrong. In respect of the evidence of PW-1, the accused has said that false depositing has given under the pressure of Police and lodged a false case. In respect of the evidence of PW-2, the accused has said that it iw wrong and false

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evidence has given under the pressure of the Police by preparing false documents, in which I have already been acquitted by the Hon'ble Court. In respect of the evidence of PW-3, the accused has said that it is wrong, false case has been lodged under the pressure of the Police. With regard to the evidence of PW-4, the accused has stated that under the pressure of the state, IO FIR No. 10/99 of the case Tej Singh Pal has himself become a complainant and has filed a case on false facts and Ex.A-6 was prepared on the basis of false tahrir. With regard to the evidence of PW-5, the accused has stated that I was not named in case FIR No.106/99 P.S. Hazratganj. My name was brought into light under the pressure of the State. I have been acquitted by the Court in said case. I have no relation with case FIR no.109/99, U/s 394 IPC P.S. Hazratganj and case FIR no.1002/98 U/s 392 IPC P.S. Hazratganj. I have not been an accused in it. With regard to the evidence of PW-6, the accused has stated that I was

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not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-7, the accused has stated that I was not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-8, the accused has stated that I was not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-9, the accused has stated that I was not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-10, the accused has stated that concocted and false evidence has been collected against me under the pressure of the State. With regard to the evidence of PW-11, the accused has stated that I was not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-12, the accused has stated that false charge sheet has been filed by collecting false evidence under the pressure of the State. With regard to the evidence of PW-13, the accused has stated that I was not tried in the said case. Hence it is not related to me. With

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regard to the evidence of PW-14, the accused has stated that I was not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-15, the accused has stated that false allegation has been leveled by collecting false evidence by doing one sided investigation under the pressure of the State. With regard to the evidence of PW-16, the accused has stated that I was not tried in the said case. Hence it is not related to me. With regard to the evidence of PW-17 & 18 the accused has stated that fake action has been taken under the pressure of the State, With regard to the evidence of PW-19, the accused has stated that false deposition has given under the pressure of the State. With regard to the evidence of PW-20, the accused has stated that it is related to the Court. Why did the case filed against you? In this regard he has said that due to political grudge false case filed under political pressure. Why the witnesses have given deposition against you?, he has said in

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reply of which that they have given false deposition under political pressure. Do you have anything else to say, in response to it has said that I am MLA for five consecutive years and I defeated the candidates of various political parties and due to being popular and due to political competition, under the pressure the State has recorded false deposition by lodging false case. I am innocent. I have been falsely implicated due to political rivalry. Do you have to give defence evidence, in response to it said "Yes.

55. As documentary evidence, the defence from list No.B-7/1 has filed true copy of the judgment and order dated 06.09.2018 of case FIR no.428/99 State Versus Abhay Singh, copy of the judgment and order dated 01.05.2017 of Hon'ble High Court in case no.2628/2017 99, true copy of the order dated 13.04.2017 of case No.2628/2017, true copy of the order dated 05.05.2017 of case No.2363/2017, true

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copy of case No.2984/2017, true copy of the order dated 24.03.2017 of case No.2984/2017, true copy of case No.5206/16/2016, true copy of the order dated 02.08.2017 of case No.5206/16, true copy of case No.4915/2017, true copy of the order dated 01.05.2017 of case No.4915/2017, true copy of case No.2701/2017, true copy of the order dated 11.04.2017 of case No.2701/2017, true copy of case No.2267/2017, true copy of the order dated 10.04.2017 of case No.2267/2017 and true copy of case No.2233/2017.

56. Heard the arguments of the Ld. Counsel of the accused and Asst. Public Prosecutor (Criminal) and carefully perused the case file in perspective of the arguments.

57. Ld. Counsel of the accused argued that the prosecution has been completely failed to prove the allegation leveled against the accused. Gangchart was

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formed by the prosecution even before the first information report of Gangster Act was filed against the accused and its recommendation was also obtained from the Senior Supdt. of Police, District Collector, which shows that the First Information Report has been registered after thinking well and by conspiracy. Ld. Counsel of the accused has argued that the witnesses as examined by the prosecution have not proved the allegation leveled on the accused. Four cases against the accused have been shown in the Gangchart, out of which the accused has been acquitted in case FIR no.106/99 U/s 302, 307, 120B IPC and the prosecution has not been able to produce any evidence against the accused. National Safety Act has also been removed against the accused. The accused has been acquitted in case FIR no.20/96 U/s 2/3 Gangster Act, case FIR no.377/97 u/s 506 IPC, U/s 473/95 U/s 2/3 Gangster Act. Thus only one case FIR no.126/99 u/s 506 of IPC is pending against the accused. Ld. Counsel of the

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accused has also argued that the accused is a political person and due to political rivalry false case has been lodged against him and prayed to be acquitted has been made.

58. It has been argued by the Public Prosecutor, Criminal that the prosecution has proved the allegation leveled against the accused beyond the doubt and has prayed to convict the accused.

59. In perspective of the arguments of both the parties, I perused the case file thoroughly. As per prosecution version accused along with the members of his gang had committed the heinous crimes like murder, loot, dacoity, riots, kidnapping, by which they earn money for causing undue benefit to himself and members of his gang by terrifying the public and collecting money from these anti-special activities, they have made it a means of earning livelihood and they have made the public so fearful that no person of public does not even

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dare to lodge report against them. Punishable offence as mentioned in Section 16, 17 & 22 of UP Gangsters and Anti-Social Activities (Prevention) Act, 1986(Gangster Act) has been committed by the accused persons due to which there is a lot of fear and terror in the area. Recommendation on the gangchart of the said gang has been obtained.

60. The prosecution in support of its version has examined PW-1 S.P. Singh. This witness was produced by the Prosecution in support of the case FIR no.126/99 U/s 506 IPC. Witness is the complainant of that case. The witness has supported the tahrir in his examination in chief and has stated in the cross-examination that because the suspicious people were seen around the house on dated 27.02.99, 28.02.99 and 01.03.99, I had lodged the report on dated 01.03.99 against Mukhtar Ansari and Abhay Singh on the basis of suspicion. Mukhtar Ansari and Abhay Singh had never done any

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indecent behaviour in and out of prison and in the court and nor gave threat to kill. I did not identify the suspects from the crossing, so there is no question to see Mukhtar Ansari and Abhay Singh. Based on what people say and doubt the report was lodged against these both. It becomes clear from the above statement of the witness that this witness in his statement has not supported the case lodged by him and has denied from this fact also that any type of threat to kill was given by the accused to him or the persons he had seen around his house have any kind of relationship with Mukhtar Ansari and Abhay Singh.

61. PW-2 T.P. Verma has been examined. This witness has told that on his instruction he got prepared Gangchart from Head Mohrir and has got it recommended from the District Magistrate. The witness has confirmed his signature on Gangchart Ex.A-3 filed and has told that the tharir Ex.A-4 related to the First

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Information report of the case has been written by the then S.I. Ramesh Chandra Pushkar on his drafting and has confirmed his signature by reading it. This witness in his statement has stated that the witness of the murder of District Jail Supdt namely Vijay was threatened by Abhay Singh for not giving the deposition in the case, FIR of which was lodged in P.S. Hazratganj on dated 30.04.99 by the witness Vijay Gaur vide case FIR no.413/99 U/s 504, 506 IPC. The witness has also stated that cases of heinous crimes like murder, attempt to murder, loot, riots, recovery etc. have also registered against Abhay Singh and the members of his gang in P.S. Mahanagar, Krishnanagar, Hasanganj, Chowk and Dist Gonda and has also stated that it has been mentioned in detail in Gangchart Ex.A-3. This witness has stated in his cross-examination that I was also an IO in State Versus Shoaid Kidwai U/s 302 IPC. In that case no one was named. In the investigation, names of 25 accused

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persons were brought to light by me. It is not in my knowledge that whether case FIR no.106/99 U/s 302, 307, 120B IPC is pending or not. Whereas the accused in his cross-examination from List B-7/1 has filed the copy of the judgment and order dated 08.12.2003 passed by the Court of Addl. Dist & Sessions Judge, F.T.C. in S.T. No.864/99 Case FIR no.106/99 U/s 302, 307, 120B IPC P.S. Hazratganj, Lucknow titled as State Vs. Shoaib Kidwai, from the perusal of which it becomes clear that during the trial, Mukhtar Ansari has been acquitted. This witness in his cross-examination has also stated that this is correct to say that at the time of incident Mukhtar Ansari was in Jail. I cannot say that the permission of the District Jail is necessary for investigation in jail. I had not obtained any permission in this case for investigation. I have not written anywhere that in Jiamau Area Surender etc people were demanding and taking money from what person by roaming around. Surender Kumar is an

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accused in this case. This is correct to say that I have not made those people as witness in this case, from whom Surender Kumar etc. were recovering the money. I did not hear this rather public had told this. I don't know anyone in public. I cannot tell that whether case FIR no.126/99 U/s 506 IPC P.S. Krishnanagar was written before Case FIR no.106/99 or later. I am not aware that whether NSA case was left from the advisory board or not. I am not aware that the case of Section 506 IPC was made false case for imposing N.S.A. on the order of State Govt. I don't remember that whether any weapon was recovered in case FIR no.106/99 or not. This is correct that there was no evidence of the involvement of Mukhtar Ansari in murder. I cannot tell that whether case No.106/99, Case No.109/99, Case No.119/90, Case No.390/98 is pending or not. This is wrong to say that I know that he has been acquitted from all cases and I am deposing wrongly. This is wrong to say that the case against

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Mukhtar Ansari was made because it was his opposing Govt. I cannot tell that on what date Surender Kumar was demanding the money in Jiamau for getting the accused of the cases released and I cannot tell by looking at the case file that when and from whom Surender Kumar has demanded money in Jiamau because no date is mentioned in the First Information Report lodged by me under Gangster Act. This is correct that any person of Jiamau did not lodge any FIR against Surender Kumar regarding demanding of money. This is correct to say that in the FIR lodged by me I had mentioned the names of Abhay Singh and his associates and the cases lodged in various police stations and district. This is correct to say that before lodging the First Information Report on 02.05.99 I had prepared gangchart by collecting the criminal history for registering the case against Abhay Singh and his associates under Gangster Act and had also got approved from D.M. Lucknow. This is correct that FIR

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of present case was lodged by me on dated 02.05.09 but its gangchart was prepared and signed by me on 03.04.09. Above gangchart Ex.A-3 on the case file was forwarded by the S.P. with recommendation on 06.04.09 and the C.O. Hazratganj had forwarded it on dated 04.04.09, which was sent to D.M. through S.S.P. and the D.M. Lucknow had approved it on 08.04.99. Thus the witness PW-2 in his statement has accepted the fact that the gangrape was prepared by him a month before filing the first information report of the case filed by him and within two-three days had got the recommendation from the Area Officer, Sudpt. Of Police, Senior Sudpt. Of police and D.M. Office. This witness has also said in his cross-examination that it is correct to say that regarding the status of the case mentioned nothing has been mentioned in the gangchart Ex.A-3 prepared by me. Therefore, I cannot tell that FIR was filed in what case of the Gangchart, in which case charge sheet was filed or not, which case

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has been closed. This is wrong to say that to increase the seriousness of the case I have included those cases in the Gangchart in which final report was filed and the accused was acquitted. I cannot tell this that whether other accused persons mentioned in the charge sheet were the students of L.U. or not.

62. PW-3 Ct. Dayashankar has been examined. This witness has proved the Chik FIR Ex.A-5 of case FIR no.126/99 U/s 506 IPC.

63. PW-4 Ravinder Singh in his statement has proved the Chik FIR of Case FIR No.428/99 U/s 2/3 Gangster Act (present matter) as Ex.A-6 and this witness has stated in his cross-examination that the day when case was registered, on that day Gangchart was not given to him with the tahrir. I had registered the form of said case on the instruction of SHO Tejpal Singh. Gangchart was approved on dated 08.04.99.

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64. PW-5 Narender Bahadur Singh has proved the Chik FIR of case FIR no.106/99 U/s 302, 307, 120B IPC P.S. Hazratganj, Case FIR no.109/99 U/s 394 IPC P.S. Hazratganj and Case FIR no.1002/98 U/s 392 IPC and which have been exhibited as Ex.A-1, Ex.A-7 and Ex.A-8 respectively. The witness has said in the cross-examination that he was posted in P.S. Hazratganj till the year 1998-2000. Ex.A-7 and Ex.A-8 are the photocopies and I cannot tell by whom these are certified. Copies of these documents are not certified and nor any seal is affixed on it. Today, there are no original copies of these three forms before me in the court. Chik of FIR no.106/99 which has exhibited as Ex.A-1, is against unknown persons, which has been registered. Chik of case FIR no.109/99 exhibited as Ex.A-7 and Chik of FIR no.1002/98 which has exhibited as Ex.A-8, both above cases have also been registered against unknown persons. I cannot tell when these cases have been shown in the gangchart.

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65. PW-6 SI Ramesh Chand Pushkar has said in his statement that in the year 1996 I was posted in P.S. Hazratganj. He has told that the investigation of case FIR no.1002/98 has been done by himself. The witness said that the charge sheet No.161/99 is filed by him. He said that the charge sheet Ex.A-9 is on the certified copy, on which he has proved his handwriting and signature. The charge-sheet in respect of which the evidence has been given by the present witness, is not related to the present accused.

66. PW-7 Ct. Sunil Kumar Pandey has proved the Chik FIR no.115/98 Ex.A-10, which is not related to the present accused.

67. PW-8 Naseem Ahmad Siddiqui has given evidence in respect of Chik of case FIR no.1002/98 Section 392 IPC which is also not related to the present accused.

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68. PW-9 Ct. Habibulla has proved the Chik Ex.A-11 of Case FIR no.119/99 U/s 392 IPC P.S. Mahanagar, which is also not related to the present accused.

69 PW-10 Ashok Kumar Saraswat, Inspector In-Charge, IO of case FIR no.428/99 U/s 2/3 Gangster Act P.S. Hazratganj has stated in his statement that the time when I recorded the statement of the witnesses and at the time of incident accused Mukhtar Ansari was detained in District Jail. S.P. Pundir in his statement did not tell the name of anyone and nor had identified anyone. The same Manish Pundir in his statement neither identified anyone and nor told the name of anyone. Ramesh Chandra Pushkar and Virender Nath Singh and Daya Shankar and Narender Bahadur Singh had given statement in respect of the investigation of the present case. No investigation was done by me in the investigation done by above person. Neither

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Mukhtar Ansari was named in case FIR no.1002/98 nor his name came in the investigation.

70. PW-11 Surender Singh has proved the Chik FIR Ex.A-12 of case FIR no.60/99 U/s 446 IPC P.S. Hasanganj, which is no relation to the present accused.

71. PW-12 IO M.M. Khan has told that after the transfer of SSI Ashok Saraswat he took the statement of this case. During investigation, the witness has said that the charge sheet Ex.A-13 was filed when the witness found sufficient evidence against the accused persons Abhay Singh & others in all the above cases and has stated in cross-examination that Case FIR No.109/99 whose complainant is Ram Chandra Gaur, Case FIR No.119/99 whose complainant is Ram Chandra Jaiswal, Case FIR no.115A/98 whose complainant is Shailesh Kumar, in which Mukhtar Ansari is not an accused. One case is registered against Mukhtar Ansari in Gangchart and the Advisory Board of Section

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3 N.S.A. had released Mukhtar Ansari in one case of prevention proceedings. This is correct to say that in my investigation I did not collect any evidence against Mukhtar Ansari. I did not find any evidence hence I did not collect. Case FIR no.106/99 and present case FIR no.428/99 and case FIR no.126/99 were lodged while Mukhtar Ansari was being detained in District Jail. At that time Jail premises used to come under P.S. Alambagh.

72. PW-13 Ramchandra Jaiswal who has proved the tahrir Ex.A-11 of Case FIR no.119/99 U/s 392 IPC P.S. Mahanagar, has no relation with the present accused.

73. PW-14 Ram Chandra Gaur who had registered Case FIR no.109/99, has also no relation with the present accused.

74. PW-15 Inspector Virender Singh, by whom Chik FIR Ex.A-12 of case FIR no.106/99 U/s 506 IPC of P.S.

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Krishnanagar has been proved, has stated in his cross-examination that after looking at the list of the witnesses mentioned in Ex.A-12 the witness said that my previous IO did not record the statement of these witnesses in front of me. Statement of the witnesses mentioned in Ex.A-12 has not been recorded by me. I had filed the charge-sheet on the basis of the investigation done by Previous IO Javed Khan and V.P.Singh. Investigation of this case was not done by me, the charge was filed only on the basis of the documents. The prosecution has examined this witness as formal witness.

75. Investigation of case FIR no.60/99 U/s 448 of IPC was done by PW-16 Vijay Narayan, it was stated by him that present evidence is also not related to the present witness.

76. PW-17 Shailesh Kumar Singh has proved the facts of FIR bearing No.114/98 U/s 147, 336, 504, 506, 330

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IPC. Evidence of this witness is also not related to the present accused.

77. PW-18 Ram Adhar Yadav, who is also the IO of the present case, has stated in his cross-examination that the order from which investigation of the case was received to me, photocopy of which is present on the case file, I have filed copy of which in the case diary. No date is mentioned in the above order. I had recorded the statement of FIR Writer only. I had started the investigation from my P.S. Hasanganj. This is wrong to say that I have completed the formalities of the investigation by sitting in the Police Station Hasanganj.

78. PW-19 Manish Pundir has stated in his cross-examination that in the year 1999 I was a student. Those days my father was Additional I.G. of Jail and I used to study in Class-12. I used not to go the office of my father nor used to discuss anything of the office

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with him. I came to know that my father had lodged any FIR on the basis of suspicion, as it was the govt work of my father, I don't have any knowledge. Witness Manish Pundir is the son of PW-1 S.P. Pundir who is the complainant of case FIR no.106/99 U/s 506 IPC and in his statement he has stated that he does not have any knowledge regarding the said case.

79. Satyadev Singh has been examined as PW-20, who has given statement only in respect of producing the accused Mukhtar Ansari in the Court on 13.7.2017. Apart from this he has not given any other evidence.

80. In the present matter details of four criminal cases have been given by the Prosecution in the gangchart against the accused Mukhtar Ansari and the allegation of Gangster Act has been imposed against the accused on the basis of the same. In the matter of Case FIR no.126/99 U/s 506 IPC P.S. Krishnanagar mentioned in Gangchart Ex,A-3, complainant of the

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case PW-1 S.P.Singh has been examined who has not supported the prosecution version in his evidence. In the said case the prosecution version has not been supported by all the witnesses and since no evidence is available in the case file, the accused has been acquitted. Apart from this PW-2 Tejpal Singh has been examined who has also been the IO of the other case bearing S.T. no.864/99 Case FIR no.106/99 U/s 302, 307, 120 B IPC as mentioned in the Gangchart, has not supported the prosecution version in the present matter and has accepted this fact in his statement that about a month before the registration of First Information Report of the present case the Gangchart was prepared and recommendation was obtained from the Area Officer, Supdt. of Police, Senior Supdt of Police, D.M. within two-three days, from which makes it clear that the accused has been charged under Gangster Act by the above Competent Officers without applying their judicial mind. The accused has already

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been acquitted in Case FIR no.106/99 U/s 302, 307, 120B IPC and photocopy of the judgment and order dated 08.12.2003 supported with his affidavit is also available on the case file. Witness PW-2 Tejpal Singh in his statement has also stated that he does not aware that from whom Suresh Kumar did the extortion and from whom he demanded how much money. The witness has also accepted that the people from whom money was demanded or threat to extortion was given, no one from them had lodged any First Information Report. In the present matter no such person has been made witness by the prosecution from whom extortion is being done by the members of alleged gandchart or demand of money is being made. This witness has also accepted that no evidence of murder was found against the accused. This witness has also accepted in his statement that present status of the cases mentioned in the gangchart has not been displayed by him so that it can be clear that final report in the mattes

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mentioned in the gangchart has been received or accused has been acquitted or said case has been closed. The witness has accepted the above facts as suggested by the counsel for the accused. PW-10 Ashok Saraswat has accepted in his statement that neither PW-1 S.P. Singh Pundir, nor PW-19 Manish Pundir have named the accused in their statements and nor have identified the accused. PW-12 M.M. Khan who is the IO and by whom charge sheet has been filed, has accepted in his statement that the Advisory Board had cancelled the charge of National Security Act as leveled against the accused. The witness has also accepted that during investigation he did not find any evidence against the accused. Thus, by analyzing the entire evidence of the above witnesses, it is known that all the criminal cases mentioned in the gangchart against the accused Mukhtar Ansari have been finished, however, just because the crimes mentioned in Gangchart are abolished or the accused is acquitted,

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it cannot be assumed that the proceeding of Section 2/3 Gangster Act be taken against the accused in the present matter the Witnesses have accepted in their statements that no appeal has been filed by the Prosecution in the said matters and nor any record in respect of the appeal has been submitted by the Prosecution on the case file. It is also notable here that in the present matter in the event of not getting any offence of gangster at against the accused persons Akbar Hussain @ Sanju, Ram Kumar Singh, Guddu Singh @ Rajender Pratap Singh, Rajiv Singh @ Raju, Amit Kumar Rawat, Amit Rai, Anil Kumar, Sanjeev Dwiedi @ Ramu, Himanshu Negi, Milit Gaur and Surender Kumar, Hon'ble High Court has terminated the proceeding of U/s 482 CrPC against them. Further, the accused Abhay Singh, who is depicted as a gang-leader and accused Tinku Singh @ Vijay Kumar Singh, Manoj Verma were acquitted by the Court of Special Judge, Gangster vide jdugement and order

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06.09.2018, because of not proving any offence against them.

91. List of all the cases as his defence evidence has been filed by the accused, in which he has been acquitted or in which charge sheet has not been filed against him or the proceeding has been terminated by the Hon'ble High Court. It is clear from the perusal of the case file that the cases based upon which proceeding of gangster act has been done against the accused Mukhtar Ansari and which has been shown in the gangchart, accused has already been acquitted in that. Gangchart was prepared in advance and case has been registered later. In the investigation, no evidence has been produced by the prosecution in relation to which properties were obtained by the accused and from whom the money was obtained illegally. In this regard it has been accepted by PW-2 that the case was registered against Surender Kumar just to make substantive offence but no evidence in this regard was

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collected by the IO. In the present matter the prosecution has completely failed to produce any evidence against the accused. This case is the matter of without evidence, in which the court has no option apart from acquitting the accused.

82. On the basis of above whole analysis, the Court is of the conclusion that in the present matter the prosecution from the evidences produced has failed to prove the offence imposed against the accused Mukhtar Ansari U/s 2/3 of Gangster Act beyond the reasonable doubt, in result of which accused Mukhtar Ansari is liable to be acquitted from the offences U/s 2/3 Gangster Act.

ORDER

Accused Mukhtar Ansari is acquitted from the offence of Case FIR No.428/99 U/s 2/3 of Gangster Act. In this

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matter Accused is on bail. His bail bond is cancelled and sureties are released from their obligations.

Accused should ensure the compliance of Section 437A CrPC.

Date: 23.12.2020

Sd/- (Pawan Kumar Rai)
Special Judge M.P./MLA
Addl. Sessions Judge, Court No.19
Lucknow

Above judgment and order signed, dated and pronounced by me today in open Court.

Date: 23.12.2020

Sd/- (Pawan Kumar Rai)
Special Judge M.P./MLA
Addl. Sessions Judge, Court No.19
Lucknow

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ANNEXURE R-6

IN THE COURT OF SPECIAL JUDGE, M.P.M.L.A./

ADDL.DISTRICT & SESSIONS JUDGE,

COURT NO.19, LUCKNOW

Present: Pawan Kumar Rai .....H.J.S.

Criminal case No.1818/2012

C.N.R. No.U.P.L.K.O 10052862012

State **Versus** Mukhtar Ansari S/o Kaji Subhanulla

Case FIR no.131/2003
U/s: 353, 504, 506 IPC
P.S. Alambagh, Lucknow

JUDGMENT

1. As per the order of Hon'ble District Judge this case after being transferred has received to this Court on dated 13.12.2019 for making the trial of the accused Mukhtar Ansari S/o Kaji Subhanulla in case FIR No.131/2003 U/s 353, 504, 506 IPC P.S. Alambagh.

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2. In brief the prosecution story is as follows that on dated 28.04.2003 the complainant of the case S.K. Awasthi, Jailor of Dist Jail Lucknow gave a written tahrir to the SHO of P.S. Alambagh to this effect that on dated 27.04.2003 at about 10.30 AM when I was sitting in the Supdt. Office, it was told to me by Sh. Prem Chand Maurya, Gate Keeper that some persons want to meet the convicted prisoner Mukhtar Ansari. I did not give the permission to meet. After some time MLA came in the Jailor office. I directed to take his search on which Convicted Prisoner Mukhtar Ansari got very furious and he said Jailor, you are showing a lot and you are obstructing my men from meeting me. If you have the courage then searched them. I said that they will not go inside without search. Sh Ansari said me that you get out of jail today, I will get you killed. Mr. Ansari, abusing me, pointed a pistol on me by taking it from the person who came to meet. Some persons grabbed him and

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some persons grabbed me otherwise any incident could have been occurred. Mukhtar Ansari drove his men out and said now your days have come, no one can save you. At the time of above incident Sh. Sarvesh Vikram Singh, Dy. Jailor, Shailender Pratap Singh Dy. Jailor, Gatekeeper Sh. Prem Chandra Maurya, Second gate Duty I.W. Rudra Bihari Shrivastav, IW Sh. Radheshyam Yadav, IW Ram Swarup pal were present.

3. On the basis of above tahrir Case FIR No.131/2003 U/s 353, 506 IPC was registered by the Police of P.S. Alambagh on dated 28.04.2003 against Mukhtar Ansari, MLA and investigation of the matter was handed over to SI Sh. Ganesh Singh and Smt. Indu Shrivastava. During investigation, statements of the witnesses U/s 161 CrPC was recorded by the IO and after investigation when sufficient evidence found then on dated 08.06.2003 charge Sheet No.134/03 of

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Section 353, 506, 504 IPC and Section 2/3 of Gangster Act was filed in the Court against the accused persons Mukhtar Ansari thereafter, on dated 05.02.2005 charge sheet No.137/2003 under case FIR no.131/2003 U/s 353, 506, 504 IPC was filed.

4. Thereafter, the Ld. Magistrate after taking the cognizance on the charge sheet No.137/2003 under case FIR no.131/2003 U/s 353, 506, 504 IPC, copies U/s 207 of CrPC were provided to the accused.

5. Thereafter, on dated 28.06.2013 charge of Section 353, 506, 504 IPC was framed by the Court against the accused Mukhtar Ansari, from which the accused refused and claimed trial.

6. As documentary evidence, the prosecution has filed the tahrir as Ex.A-1, Chik FIR as Ex.A-2, Copy of registration of the case Ex.A-3, Site map as Ex.A-4, Charge Sheet as Ex.A-5 and Ex.A-6.

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7. As verbal evidence, Prem Chandra Maurya has been examined by the prosecution as PW-1. This witness has stated in his examination in chief that on dated 27.04.2003 my duty was on the Main Gate of District Jail, Lucknow as Gate Keeper. Around 10.30-11.00 AM some persons came to meet Mukhtar Ansari. Mukhtar Ansari was a prisoner in Jail. In this regard when I asked from the Jailor S.K. Awasthi present in the office then the Jailor refused to take the Visitors inside. So, obeying the order of the Jailor, I did not allow them to go inside. Upon refusal, visitors came from outside went back. After this, I began to dispose of the other work of my seat. I did not come to know that what conversation or what incident was happened between Mukhtar Ansari-Prisoner and Jailor in the office of Jailor S.K. Awasthi, because there is a distance of about 40-50 feet between the main gate and Jailor's office and Gate Keeper's duty is very preoccupation. I cannot tell that how the Jailor wrote in his report that

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some persons came inside from outside and I said to take their search, on which Mukhtar Ansari got furious. I have not seen that what incident was happened between Mukhtar Ansari and Jailor S.K. Awasthi. I cannot tell that how he has shown me the eye-witness of the incident in his report. IO did not take my statement regarding the incident. I cannot tell that how the IO wrote this that due to fear I opened the gate and some persons came inside and the incident occurred.

8. Above witness has not been cross-examined by the Ld. Counsel of the accused.

9. In verbal evidence, S.K. Awasthi, Jailor has been examined by the Prosecution as PW-2. This witness has stated in his examination in chief that the incident is of April, 2003. The incident is of day time. I was posted as Jailor in District Jail and Mukhtar Ansari was detained in Jail. Some persons had came to meet him and dispute was happened for taking their search. This

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dispute was happened inside the gate. On which Mukhtar Ansari took out a revolver. Mukhtar Ansari took out this revolver after taking from the persons who had came to meet. There were my whole staff and two Dy. Jailors. One Dy. Jailor was Survesh Vikram Singh and other was Shailender Pratap Singh. The gate keeper under the pressure had taken the visitors inside. Mukhtar Ansari had threatened me also. I had lodged the report of this incident in Police Station. The witness said after watching the tahrir enclosed in the case file that this is the same tahrir which I had written and given in the Police Station. This is in my handwriting and signature, which has been exhibited as Ex.A-1.

10. Above witness has not been cross-examined by the Ld. Counsel of the accused.

11. In verbal evidence, Shailender Pratap Singh has been examined by the Prosecution as PW-3. This witness

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has stated in his examination in Chief that on dated 27.04.2003 I was posted as Dy. Jailor in District Jail. At that Mukhtar Ansari was detained in Lucknow Jail. At that time S.K. Awasthi was the Jailor. On the day of incident on 27.04.2003 at about 20:30 PM I was in my office. Someone told me that altercation on something is happening in the office of S.P. Awasthi with the Prisoner MLA Mukhtar Ansari. After hearing this when I went in the office of the Jailor then I saw that Mukhtar Ansari was going out from the office and S.K. Awasthi was sitting in his office. S.K. Awasthi told me that some altercation for meeting had happened with the Prisoner MLA Mukhtar Ansari.

12. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

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13. In verbal evidence, Ram Swarup Pal has been examined by the Prosecution as PW-4. This witness has stated in his examination in Chief that on dated 27.04.2003 I was posted as Prison Guard in District Jail. At that time S.K. Awasthi was appointed as Jailor. On that day at 10.30 AM my duty was in the lockup office. It is in my knowledge that Mukhtar Ansari was detained in District Jail. Office of Jailor S.K. Awasthi is not visible from my office. On dated 27.04.2003 at about 10.00 AM in front of me no obstruction was caused in the official work of the complainant of this case Mr. S.K. Awasthi. In front of me the accused Mukhtar Ansari did not give any abusing to insult the Jailor S.K. Awasthi, even he did not give threat to kill at the office of the Jailor.

14. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the

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appropriate place as per the requirements while analyzing the evidence.

15. In verbal evidence, Rudra Bihari Shriwastav has been examined by the Prosecution as PW-5. This witness has stated in his examination in Chief that on dated 27.04.2003 I was appointed as Head Prison Guard. At that time S.K. Awasthi was appointed as Jailor in District Jail. On that day my duty was at the second gate at 10.30 AM. The distance of Jailor's office from the place of my duty was 250 meter. Jailor's office is not visible from there, because window remains closed. On dated 27.04.2003 at about 10.00 AM in front of me accused of this case Mukhtar Ansari did not cause any obstruction in the official work by going to the office of the Jailor of District Jail nor Mukhtar Ansari threatened the Jailor S.K. Awasthi to kill in front of me. No incident has occurred in front of me.

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16. The prosecution has cross-examined this witness by declaring him as hostile, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

17. In verbal evidence, Smt. Indu Shrivastava, IO has been examined by the Prosecution as PW-6. This witness has stated in his examination in Chief that in the year 2003 she was posted as SSI in P.S. Alambagh. After the transfer of the Previous IO Sh. Ganesh Singh, investigation of the case FIR No.131/2003 U/s 353, 504, 506 IPC and 2/3 Gangster Act was handed over to me. C.D. Form No.5 has been prepared by the Previous IO. The application for obtaining permission from the District Collector regarding Section 2/3 Gangster Act was given by him, on which permission was not granted by the District Collector. On this charge sheet under the charges of Gangster Act was filed by the Previous IO. Report of its cancellation was

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given to the S.P. East. On dated 11.01.2004 Supplementary Charge Sheet No.6 was prepared by me, in which it has been mentioned to revoke the earlier charge sheet. On dated 11.05.2004 Charge Sheet No.7 was prepared by me, in which effort was made again to revoke the charge sheet, on which order was given verbally to collect more evidence. Supplementary Charge Sheet No.8 was prepared on dated 10.06.2004. On that day by appearing in the District Jail, report was given to the District Supdt. Jail to give the list of visitors on which it was informed by him that there is no application or name is mentioned in the record to meet with Mukhtar Ansari. While preparing the Supplementary Charge Sheet No.9 on 26.07.2004, by reaching jail, statements of Dy. Jailor Shailender Pratap Singh and Jailor Ram Krishan Gupta were recorded, effort was made to inquire about the incident but no one agreed to give a statement against him. On dated 19.05.2004 Supplementary Charge

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Sheet No.10 & 11 was prepared by me. I tried to get the previously sent charge sheet revoked. No order was received during my investigation. Thereafter, I got transferred. Ct. Mohrir Prabhakar has been with me, I have seen him writing- reading. I recognize his handwriting and signature. Original Copy of Chik FIR present in the case file and carbon copy of registering the case has been prepared in one go, which is in the handwriting and signature of Ct. Prabhakar, which has been exhibited as Ex.A-2.

18. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the appropriate place as per the requirements while analyzing the evidence.

19. In verbal evidence, Ganesh Singh, IO has been examined by the Prosecution as PW-7. This witness has stated in his examination in Chief that on dated 28.04.2003 I was posted as SSI In P.S. Alambagh. On

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that day investigation of Case FIR no.131/2003 U/s 352, 504, 506 IPC was received from the office, copy of Chik and Copy of report was received along with the same. On the same Form No.1 was prepared, on which copy of Chik, Copy of report and copy of the statement of the complainant Shiv Kumar Awasthi were mentioned. In form No.2 it has been stated to do the site inspection and to prepare the site map on dated 29.04.2003 and abvoe Site map Doucment No.A-7 has been proved as Ex.A-4, the Witness in Form No.3 recorded the statement of Head Prison Guard. The witness has stated that he prepared Form No.4,5 in which it has been said that he recorded the statements of FIR eye-witness Sarvender Vikram and Shailender Pratap. When sufficient evidence found against the accused Mukhtar Ansari the Charge Sheet No.134/2003 of Section 353, 504, 506 IPC and 2/3 of UP Gangster Act P.S. Alambagh was sent, which is in my handwriting and signature, which has been

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exhibited as Ex.A-5. Supplementary Form-1 has been prepared on 12.07.2003 and Supplementary Form-2 has been prepared on 26.07.2003, in which remaining statement of Shailender Pratap was recorded. Supplementary Form No.3 was prepared on dated 27.07.2003, in which supplementary statements of S.K. Awasthi, Sarvender Vikram Singh were recorded. Form No.S.C.D.-6 & 7, 8, 9, 10, 11,12, 13 are in the handwriting and signature of SI Smt. Indu Shrivastav, I have seen her writing and reading, who was appointed with me in P.S. Alambagh. This is in her handwriting and signature. Charge sheet No.15/05 included in the case file was sent on dated 05.02.2005 with the Supplementary Charge Sheet U/s 353, 504, 506 IPC, which has been exhibited as Ex.A-6, which is in the handwriting and signature of Indu Shrivastava.

20. Above witness has been cross-examined by the Ld. Counsel of the accused, which will be mentioned at the

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appropriate place as per the requirements while analyzing the evidence.

21. Thereafter, statement of the accused U/s 313 CrPC was recorded, in which the accused has said the incident to be wrong and has stated that "no dispute was happened between me and the Jailor". Due to this reason Prem Chandra Maurha has not stated anything. He has stated that false statement has been given by PW-2 and PW-3, in respect of PW-4 he has stated that no dispute was happened between me and Jailor. Therefore, above witnesses have not supported the prosecution story. He has said in respect of PW-5 & 6 that they did concocted investigation under the pressure of the State Govt. and have given false statement. He has said in respect of PW-7 that concocted investigation done under the pressure of the State Govt. and has collected false evidence. Why did the case filed against you? In reply of which he has

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stated that due to political grudge the Govt. filed false case under pressure. Why the witnesses have given deposition against you? in reply of which he has stated that they have given false deposition under political pressure and under the pressure of Govt. Apart from do you have anything else to say, in response to he has said that "I am MLA for five consecutive years and I defeated the candidates of various political parties and due to being popular and due to political competition, under the pressure the State Govt. has recorded false deposition by lodging false case. I did not go to the District Jail Office on 27.04.2013 at 10.30 AM and on same day no dispute of mine was happened with Sh. S.K. Awasthi-Jailor. Entrance to prison occurs after personal search, in such as case threatening by taking the revolver of the Jailor is wrong. I am innocent. I have been falsely implicated due to political rivalry. Accused has refused to give defence evidence.

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22. Ld. Counsel of the accused has argued that the accused has been implicated in the present matter due to political rivalry. The Jailor was never threatened by the accused nor was any type of obstruction caused in discharge of his official work. Statements of witnesses produced by the prosecution are contradictory and the prosecution has failed to prove the allegation beyond the doubt. Ld. Counsel of the accused has also argued that no such evidence is available on the case file from which the accused can be convicted and prayer has been made to acquit the accused.

23. It has been argued by the Public Prosecutor, Criminal that the prosecution has produced seven witnesses in support of its story and the witnesses produced by the Prosecution, from their testimony have proved the allegation leveled against the accused beyond the doubt and prayer has been made to convict the accused.

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24. Case file was perused in perspective of the arguments of both the parties. As per the prosecution version on dated 27.04.2003 at 10.30 AM in District Jail, Lucknow criminal force was used by the accused to intimidate the complainant of the case S.K. Awasthi from discharging his Duty who was a Public Servant and in order to insult the complainant of the case, he was insulted in such a way that he would commit any other crime of breach of peace by this provocation and criminal intimidation was caused by threatening to kill the complainant of the case. Based on the above, allegation U/s 353, 504, 506 IPC was leveled against the accused.

25. As per Section 353 of IPC- "*Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of*

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anything done or attempted to be done by such person to the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

25. Section 504 IPC- ***is provisioned to punish the*** *Intentional insult with intent to provoke breach of the peace.*

26. Section 506 provides for punishment for criminal intimidation and Criminal Intimidation has been defined in Section 503 IPC:-

Criminal Intimidation:- *Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act*

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which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

28. In the present matter the Court has to consider this that whether the witnesses produced by the prosecution have proved the allegation beyond the doubt leveled by the prosecution? Prem Chand Maurya-Prison Guard has been examined by the Prosecution as PW-1 who has also been stated by the complainant of the case in his application to be the eye-witness. This witness has stated in his statement that at about 10.30-11.00 AM some persons came to meet Mukhtar Ansari. Mukhtar Ansari was a prisoner in Jail. In this regard when I asked from the Jailor S.K. Awasthi present in the office then the Jailor refused to take the Visitors inside. So, obeying the order of the Jailor, I did not allow them to go inside. Upon refusal, visitors came from outside went back. After this, I began to dispose of the other

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work of my seat. I did not come to know that what conversation or what incident was happened between Mukhtar Ansari-Prisoner and Jailor in the office of Jailor S.K. Awasthi, because there is a distance of about 40-50 feet between the main gate and Jailor's office and Gate Keeper's duty is very preoccupation. I cannot tell that how the Jailor wrote in his report that some persons came inside from outside and I said to take their search, on which Mukhtar Ansari got furious. I have not seen that what incident was happened between Mukhtar Ansari and Jailor S.K. Awasthi. I cannot tell that how he has shown me the eye-witness of the incident in his report. IO did not take my statement regarding the incident. I cannot tell that how the IO wrote this that due to fear I opened the gate and some persons came inside and the incident occurred. Thus it is clear that this eyewitness produced by the Prosecution has not supported the prosecution story in his statement. Thus as per this witness he did not allow

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the visitor to come inside whereas as per the prosecution, Mukhtar Ansari aimed the pistol on the Jailor by taking it from one persons of the persons who came to meet. The witness in his statement has also denied from the fact of taking statement by the IO, but despite that this witness has not been cross-examined by the Prosecution by declaring him as hostile.

29. PW-2 S.K. Awasthi has been examined, who is the complainant in the present matter. The witness in his statement has proved the tahrir Ex.A-1 and has said in the cross-examination that when this incident was occurred then I was in the office. When Mukhtar Ansari came in the office then he raised objection that you stopped my visitors and he got angry and went outside. After that I remained seated in the office. The fact of showing the weapon and threatening to kill sounds of which were coming. I have not seen all this from my eyes. Thus the complainant of the case in his

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statement has himself denied from the fact of being abused by the accused and threatened to kill, he has just stated the fact of getting angry. PW-2 has also stated that when my staff told this incident, then FIR was lodged. Carrying mobile and weapon in jail is prohibited. No one can have weapon in the jail. This is correct to say that I have not seen the weapon in the hand of Mukhtar Ansari. He did not give threat to kill in front of me. He did not even did abusing with me and nor he had raised obstruction in the official work. Thus above statement of the witness is absolutely adverse to the prosecution version.

30. PW-3 Shailender Pratap Singh, who has also been told as eyewitness of the incident has stated in his cross-examination that on the day of incident on 27.04.2003 at about 20:30 PM I was in my office. Someone told me that altercation on something is happening in the office of S.P. Awasthi with the Prisoner MLA Mukhtar Ansari.

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After hearing this when I went in the office of the Jailor then I saw that Mukhtar Ansari was going out from the office and S.K. Awasthi was sitting in his office. S.K. Awasthi told me that some altercation for meeting had happened with the Prisoner MLA Mukhtar Ansari. This witness has given the evidence on the basis of the statement heard, this witness has told the time of incident as 20.30 hrs, whereas as per the prosecution the incident is of 10.30 AM.

31. PW-4 Ram Swarup IW, who has also been told as eyewitness of the incident, has stated in his statement that it is in my knowledge that Mukhtar Ansari was detained in District Jail. Office of Jailor S.K. Awasthi is not visible from my office. On dated 27.04.2003 at about 10.00 AM in front of me no obstruction was caused in the official work of the complainant of this case Mr. S.K. Awasthi. In front of me the accused Mukhtar Ansari did not give any abusing to insult the

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Jailor S.K. Awasthi, even he did not give threat to kill at the office of the Jailor. This witness has been cross-examined by the prosecution by declaring him as hostile. In his cross-examination the witness has stated I don't have any knowledge about this incident. IO of this case had not done any inquiry from me. When the statement U/s 161 CrPC was shown to the witness, then the witness has said that no such statement was given. Thus, above witness has given adverse statement of the Prosecution version and in the cross-examination of the prosecution no such facts have been found which indicate the involvement of the accused in the present case.

32. PW-5 Rudra Bihari Shrivastav who has been examined by the Prosecution as eye-witness, this witness in his examination in chief has also not supported the prosecution and has stated that in front of me Mukhtar Ansari did not cause any obstruction in the official work

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by going to the office of the Jailor of District Jail nor Mukhtar Ansari threatened the Jailor S.K. Awasthi to kill in front of me. No incident has occurred in front of me. The prosecution has cross-examination this witness by declaring him as hostile. When the statement U/s 161 CrPC was shown to the witness, then the witness has refused to give such statement and has also stated that neither any inquiry was made by the IO from me nor my statement was recorded. Thus, this witness does not support the Prosecution version and in the cross-examination also the prosecution is not able to bring any such facts in respect of the involvement of the accused in the present case.

33. PW-6 Indu Shrivastav-IO has stated in her statement that after the transfer of the previous IO, I had received the investigation. When recommendation of the District Collector did not obtain in respect of the

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Gangster Act then the charge sheet was filed under Gangster Act. As second witness this witness has proved the original copy of the Chik FIR present on the case file and carbon copy of registering the case, which have been proved as Ex.A-2 and Ex.A-3.

34. Ganesh Singh has examined as PW-7, who in his statement has proved the charge sheet Ex.A-6 filed in the Court, as second witness. This witness has said in his statement that this is correct that gangster act was not made from the collected evidence in the investigation, hence, recommendation was not given by the District Magistrate. This is correct that date under the signature of C.O. is not mentioned in C.D. In the site map the place of standing of the visitors has been told who came to meet the accused in Jail. As per the prosecution the visitors wee standing in the office of the Jailor. This fact has not been mentioned in Site Map Ex.A-4. Place of standing of witnesses have been

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displayed in Ex.A-4, whereas any witness has refused to be present in the said office. Thus the prosecution has completely failed to prove the place of incident also.

35. Hon'ble Supreme Court while explaining the provision of Section 504, 506 IPC in case titled as Fiyona Shrikhande Versus State of Maharasthra & Ors. (2013) 14, SCC 44 has expressed its opinion that following are the essential components of Section 504:-

1- Intentional insult

2- Intentional insult with intent to provoke any person

3- The accused must have such intent or knowledge that such intent which to provoke any person to commit breach of the peace or any other person. Intentional Insult should be of this type that he can insult any person that much that he will commit breach of peace or commit any other offence. Only if all the above

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elements are found, the components of Section 504 crime are considered complete. Just the fact that abusing has been given by the accused is not sufficient to convict u/s 504 of IPC. In the present case, the witnesses produced by the prosecution, have not given any statement in respect of the above components. Only PW-2 S.K. Awasthi has stated in his statement that accused had became angry but the witness has denied from the fact of being abused by the accused or giving threat to kill. In the above mentioned legal arrangement, Hon'ble High Court in reference of Section 506 IPC has expressed his opinion of the same intent that threats to be criminal should be threatened with the intention of causing such a warning or fear to the person to do any such act or to refrain from doing the work. Expressing a few words without warning or with the intention to cause fear does not attract Section 506 IPC. The prosecution must show such evidence on the record so that the intention of

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creating fear or warning is clear. In the facts and circumstances of the present matter, no such intnetion has been expressed on behalf of the accused and nor the prosecution in this regard has submitted any such evidence in order to clarify that the complainant of the case got scared or got warning. The complainant has himself said in his statement that threatening to kill was not given to him by the accused. Hon'ble High Curt has also expressed the legal citation of the same intent in Hazi Abdul Rahman Versus Gulam Nabi AIR 1984 K&J, 4, Niwas Singh Versus Amar Shah AIR 1953 Patna, 188, B.T. Sharma Versus state of Manipur , 1967 Crl.L.J-1347

36. Hon'ble Supreme Court while defining the necessary ingredients of Section 503, 506, 353 IPC in case titled as Manik Taneja and others Veruss State of Karnataka 2015 7 SCC 423 has expressed its legal opinion that "*A reading of the definition of "Criminal intimidation"*

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would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do. Similarly, just by reading the provisions of section 353, the following requirements are visible as its essential ingredients.

1- If any public servant would have been attacked by the accused person

2- *Criminal force has been used by him with the intention of intimidating the said public servant from discharging his duties.*

37. It becomes clear from the perusal of the evidences available on the case file that neither any attack on the complainant of the case was done by the accused or

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nor criminal force was used due to which said public servant got intimidated from discharging his duties rather in the presence matter the witnesses examined by the prosecution, in their statements have neither confirmed the facts of giving abusing to the complainant of the case nor giving threat to kill nor to cause obstruction in the official work.

38. In the present case, PW-1 Prem Chandra Maurya, PW-2 S.K. Awasthi, PW-3 Shailender Pratap Singh, PW-4 Ram Swarup Pal, PW-5 Rudra Bihari Shrivastav have been examined as eyewitnesses of the incident, in which PW-1 Prem Chandra Maurya in his statement has not supported the prosecution story, rather has completely denied from the prosecution version, even then above witness has not been cross-examined by the Prosecution by declaring him as hostile. PW-2 S.K. Awasthi who is the complainant of the case and eye-witness, has also not supported the prosecution in his

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cross-examination. PW-3 Shailendra Pratap Singh has also been told as the eye witness of the incident, this witness has also not supported the prosecution story in his statement, despite that this witness has not been cross-examined by the Prosecution by declaring him as hostile. PW-4 Ram Swarup Pal has been cross-examined by the prosecution by declaring him as hostile but no such fact has been found in the cross-examination of the prosecution which indicates the involvement of the accused in the present case. PW-5 Rudra Bihari Shrivastave has also been cross-examined by the Prosecution by declaring him as hospital but no such fact has been found in the cross-examination of the prosecution which indicates the involvement of the accused in the present case.

39. Thus from the above analysis it is clear that the prosecution in the present case has completely failed to present any evidence against Mukhtar Ansari. This

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matter is the matter of without evidence, in which the court has no option apart from acquitting the accused.

40. On the basis of the above analysis, the Court is of this conclusion that the prosecution in the present case has failed to prove the allegations U/s 353, 504, 506 IPC leveled against the accused Mukhtar Ansari beyond reasonable doubt.

ORDER

Accused Mukhtar Ansari is acquitted from the offence of case FIR No.131/2003 U/s 353, 504, 506 IPC. In this matter Accused is on bail. His bail bond is cancelled and sureties are released from their obligations.

Accused should ensure the compliance of Section 437A CrPC.

Date: 23.12.2020

Sd/- (Pawan Kumar Rai)
Special Judge M.P./MLA
Addl. Sessions Judge, Court No.19
Lucknow

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Above judgment and order signed, dated and pronounced by me today in open Court.

Date: 23.12.2020

Sd/- (Pawan Kumar Rai)
Special Judge M.P./MLA
Addl. Sessions Judge, Court No.19
Lucknow

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ANNEXURE R-7

1. Sessions Trial No.130/2010
   State Versus Mukhtar Ansari
2. Sessions Trial No.130A/2010
   State Versus Rakesh Kumar Pandey
3. Sessions Trial No.166/2011
   State Versus Brijesh Sonkar
4. Sessions Trial No.318/2012
   State Versus Pankaj Yadav
   &
5. Sessions Trial No.110/2014
   State Versus Ramdularey

Case Crime No.399/2010

U/s-147, 148, 149, 302, 307, 120B, 34 of IPC & Section 7 of Criminal Law Amendment Act & Section 25/27 of Arms Act P.S. South Tola, District Mau, U.P.

17.12.2020

Case file presented. On call, application of exemption from personal appearance of the accused persons Shivshankar Yadav & Dharmender Sonkar was filed through Counsel

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which is approved for today only. Ld. Counsel of the accused Rajesh Singh @ Rajan present.

Accused Ramu Mallah is detained in Central Jail Naini Prayagraj, U.P., accused Pankaj Yadav is detained in Chapra Jail, Bihar State and accused Raj @ Jamwant Kanojia is in District Jail Bijnaur. But today are not present in the Court.

Accused Mukhtar Ansari is detained in District Jail Roopnagar (Ropar) Jail Punjab but he is also not present today in the Court and accused Brijesh Sonkar is detained in Mau Jail, U.P. and he is also not present in the Court.

Accused Mukhtar Ansari appeared from District Jail Roopnagar(Ropar) Jail Punjab through video conferencing. On behalf of the Prosecution, remaining arguments was done by Sh. Gulab Chandra Agrahari, Public Prosecutor(Criminal) and Sh. Rajesh Kumar Gupta, Asst. Public Prosecutor (Criminal). Armament is not over. Prosecution be come up on 21.12.2020 for remaining

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argument. Accused Mukhtar Ansari be summoned on the date fixed through video conference.

As per rules the System Officer Computer Section Civil Court and Allahabad and the accused be informed from the Information of summoning the accused Mukhtar Ansari through Video Conference.

Sd/-
Presiding Officer Special Judge
(M.P./MLA) Allahabad

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1. Sessions Trial No.130/2010
   State Versus Mukhtar Ansari
2. Sessions Trial No.130A/2010
   State Versus Rakesh Kumar Pandey
3. Sessions Trial No.166/2011
   State Versus Brijesh Sonkar
4. Sessions Trial No.318/2012
   State Versus Pankaj Yadav
   &
5. Sessions Trial No.110/2014
   State Versus Ramdularey

Case Crime No.399/2010

U/s-147, 148, 149, 302, 307, 120B, 34 of IPC & Section 7 of Criminal Law Amendment Act & Section 25/27 of Arms Act P.S. South Tola, District Mau, U.P.

21.12.2020

Case file presented. On call, application of exemption from personal appearance of the accused persons

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Shivshankar Yadav & Dharmender Sonkar was filed through Counsel which is approved for today only. Ld. Counsel of the accused Rajesh Singh @ Rajan present.

Accused Ramu Mallah is detained in Central Jail Naini Prayagraj, U.P., accused Pankaj Yadav is detained in Chapra Jail, Bihar State and accused Raj @ Jamwant Kanojia is in District Jail Bijnaur. But today are not present in the Court.

Accused Mukhtar Ansari is detained in District Jail Roopnagar (Ropar) Jail Punjab but he is also not present today in the Court and accused Brijesh Sonkar is detained in Mau Jail, U.P. and he is also not present in the Court.

Accused Mukhtar Ansari is detained in District Jail Roopnagar (Ropar) Punjab. He was called today through Video Conferencing. Several attempts were made from the Video Conferencing room of this District Court to connect with the video conferencing in Roopnagar Road Jail Punjab

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State but could not connect despite connecting again and again. Counsels are present on behalf of the accused Mukhtar Ansari. This has also been placed by them before the Court that the case file at this time is at the stage of argument. Therefore, it is not necessary to call the accused Mukhtar Ansari through video conferencing on which no objection was raised on behalf of the Prosecution. Therefore, till further order accused Mukhtar Ansari and other accused persons be present through Ld. Counsel.

On behalf of the Prosecution, remaining arguments done by Sh. Gulab Chandra Agrahari, Public Prosecutor (Criminal) and Sh. Rajesh Kumar Gupta, Asst. Public Prosecutor (Criminal). Armament is not over. Prosecution be come up on 02.01.2022 for the remaining argument.

Sd/-
Presiding Officer Special Judge
(M.P./MLA) Allahabad

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ANNEXURE R-8

Charge sheet in Usari Chatti Case

Charge sheet No. 109/2001 dated 16-10-2001 in connection with the case crime no. 251/2001 of Police Station Mohammdabad District Ghazipur UP.

Sections- 147/148/149/302/307/427/ 120 B IPC & 7 Criminal Law Amd. Act

Police station- Mohammdabad

District- Ghazipur

Informant- Mokhtar Ansari son of Sri Subhanullah Ansari R/o- Darji Tola yusufpur, Ps. Mohammdabad District.Ghazipur.

Accused persons charge sheeted in coloumn no. 3 by police.

1- Brijesh Singh s/o Ravindra Nath Singh R/o Darhaura PS. Chaubepur District Varanasi
2- Tribhuvan Singh s/o Ramapati Singh R/o Mudiyaar Ps. Saidpur District- Ghazipur,
3- Anil Singh s/o Ram Nagina Singh R/o Mudiyar Ps- Saidpur District Ghazipur.

Column Number 5 about the Criminals challaned and encapsulated details of investigation done by Investigation officer of the case.

Sir,

It is submitted that this case was being registered on a written complaint of informant Mokhtar Ansari MLA Mau on dated 15-07-2001 at PS.

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Mohammdabad Ghazipur against the accused persons in column no.3 namely Brijesh Singh, Tribhuvan Singh, Anil Singh and 15-16 unknown persons and the investigation of the case proceeded. During investigation accused Anil Singh surrendered before the court and being an absconding offenders/accused brijesh Singh and Tribhuvan Singh a bounty of 2 lakh each is declared by State government of UP and due to evading arrested by police and not surrendering before Court the proceeding under section 83 Cr.P.C. is commenced against them. After all investigation such as inspection of spot, collecting of evidence and statement of witnesses, injury report of witnesses and Post mortem report. The offence against the accused persons described in column no. 3 is properly proved against them under section 147/148/149/302/307/427/IPC & 7 Criminal Law Amd. Act. Therefore the absconding accused persons namely Anil Singh, Brijesh Singh, Tribhuvan Singh are being CHALLAN through this Charge sheet in the Court. It is requested that please summoned the witnesses/proof and take punitive action.

Sd.

Investigation officer

Dated-16-10-2001

Name and address of witnesses

1- Sri Mukhtar Ansari s/o Subhanullah Ansari R/o Darjitola Yusufpur Ps. Mohammdabad District Ghazipur (Informant)

2- Sri Taukir s/o Mambub Ahmad R/o Dharammarpur Ps. Karanda District Ghazipur.

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3- Surendra Sharma S/o Indrasan Sharma R/o Town yusufpur Ps. Mohammdabad District Ghazipur.

4- Gausmuhiuddin @ Tannu s/o Khalid R/o Yusufpur, Ps. Mohammdabad district Ghazipur.

5- Ramesh S/o Jaddu R/o Tanti, Ps. Mardah district Ghazipur,

6- Israiel s/o altaf Ansari R/o balapur Ps. Mohammdabad district Ghazipur.

7- Sarfaraz @ munni S/o Moh. Kalim R/o Mahrupur Ps. Mohamdabad District Ghazipur.

8- Ayyaz Khan S/o mumtaz R/o Mahrupur Ps. Mohamdabad district Ghazipur.

9- Afroz khan @ Chunnu s/o Farooq R/o Mahrupur Ps. Mohamdabad district Ghazipur.

10- Kamal Ahmad s/o Md. Israr R/o Mohalla Gora Bazar Ps. Kotwali District Ghazipur.

11- Parvej Khan @ Junaid s/o wasi khan R/o village Mahen Ps. Karimuddinpur Dist. Ghazipur.

12- Mohd. Shahid s/o Kurban Ali R/o Rauja kucheri Yusufpur Ps. Mohamdabad district Ghazipur.

13- Mohd. Zafar @ Chanda s/o MOhd. Nasar R/o sadar road town Mohammdabad, Ps. Mohammdabad, District Ghazipur.

14- Mohd. Shamim Ahmad s/o Shamsul Haq chairman Nagarpalika Mohamdabad

15- Sri Shambhu singh Akela s/o Chandra pati yadav R/o Mohammdabad Ghazipur.

16- Sri Shamsuddin s/o salahuddin R/o Mohammdabad Ghazipur.

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17- Sri Ram Vriksh s/o Kailash Ps. Bhawarkol Ghazipur.

18- Khalid s/o yunus R/o Bhawarkol Ghazipur.

19- Sri Santosh tiwari s/o patiram Tiwari R/o belahri Ps. Haldi Distt. Balia.

20- Sri Hemant Rai s/o kailash Nath Rai R/o lochain Ps. Mohammdabad, District Ghazipur.

21- Sri Sunil ojha S/o shivmuni ojha R/o Chapra PS. Dibia district Ara State Bihar.

22- Sri Ajay Shankar ojha S/o jayram ojha R/o Murki PS. Mohammdabad, Distt. Ghazipur.

23- (Paper is torn) s/o Sobrati R/o Miyapura Ps Kotwali Distt. Ghazipur.

24- (paper torn not readable)

25- (paper torn not readable)

26- (paper torn not readable)

27- (paper torn not readable)

28- (paper torn not readable)

29- (paper torn not readable) kumar Yadav (gawah Fard)

30- Upadhyay s/o Sri Sheshnath Upadhya R/o Usari Ps PS. Mohammdabad, Distt. Ghazipur.

31- Sri Suresh Upadhya S/o Kashinath Upadhya R/o Usari Ps PS. Mohammdabad, Distt. Ghazipur.

32- Sri Parashu Ram Singh s/o ram narayan R/o Ahiraula Ps PS. Mohammdabad, Distt. Ghazipur.

33- Doctor SP Singh district Hospital Ghazipur (Post mortem Doctor)

34- Doctor V.S. Gopal BHU Hopsital Varanasi. (Post mortem Doctor)

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35- Doctor Rajendra Prasad PHC Mohammdabad Ghazipur. Medical examination.

36- (paper torn not readable)

37- Sub Inspector R.P. Singh Ps. kotwali Mohamdabad Ghazipur.

38- Sub Inspector Ram Kripal Singh Ps. Bhudkuda district Ghazipur.

39- Constable Ram Bachan Ps. Mohamdabad Ghazipur.

40- Constable Dilip Kumar Gupta Ps. Mohamdabad Ghazipur.

41- Constable Shiv pujan Singh Ps. Mohamdabad Ghazipur.

42- Constable Madan Mohan tiwari Ps. Mohamdabad Ghazipur.

43- Sub Inspector Sri Rajesh Kumar In-charge OP Sundarpur Varansi.

44- Constable Sheshnath Singh Ps. Lanka Varansi.

45- Constable Angand Nath Chaudhary Ps. Mohamdabad Ghazipur.

46- SHO Satish Chandra Tripathi Ps. Koktwali, Mohamdabad Ghazipur. (IO)

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ANNEXURE R-9

Charge sheet no. 26-06 dated 01-12-2006 in connection with the Case crime no. 09/2004 of Police Station Cantt. Lucknow UP.

Sections- 147/148/149/307/427 IPC and 3(2) Gangester Act

Police station Cantt.

District- Lucknow.

Informant- Mokhtar Ansari son of Sri Subhanullah Ansari R/o- Darji Tola yusufpur, Ps. Mohammdabad District. Ghazipur.

Accused person in coloumn no. 3 who were arrested and challaned by police. Namely

1- Sunil Rai s/o Mahendra Rai
2- Anand Rai s/o Shyam Narayan Rai both R/o Village Gondaur PS. Karimuddinpur District Ghazipur
3- Brijesh Singh s/o Ravindra Nath Singh R/o Darhaura PS. Chaubepur District Varanasi
4- Tribhuvan Singh s/o Ramapati Singh R/o Mudiyaar Ps. Saidpur District- Ghazipur,
5- Guddu @ Ajay Singh s/o vansh Narayan Singh R/o Ghurhabandha Ps- Mardah District Ghazipur.

Column Number 5 about the Criminals challaned and encapsulated details of investigation done by Investigation officer of the case.

Sir,

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It is submitted that this case was being registered on a complaint of informant Mokhtar Ansari MLA Mau on dated 13-01-2004 at PS. cantt Lucnkow against the accused persons. In this case addition of section 2(3) of UP Gansgaster Act has been also registered against the accused persons on dated 17-01-2004. In this aforesaid case crime investigation officer of PS. Cantt Sri S.C. Tiwari a charge sheet nubbered 13/04 dated 29-03-2004 against the accused persons Sunil Rai and Anand Rai has already been sent to the court which is pending trial. After that the investigation was transferred to SIS Branch Kaisarbagh and the investigation was done by Sub inspector Sri R.S. Sachan, Sri Sukhvir Singh chandel, and Sri Saiyyad Hasan zafar accordingly. After that the investigation was handed over to me. As the accused persons Brijesh Singh, Tribhuvan Singh, Guddu @ Ajay Singh are cunning type of Mafia and bounty criminals who could not got arrested after all efforts and absconding throughout. Therefore proceedings under 83 Cr.P.C. were initiated and done with the court's order. By All investigation till today, statements of witnesses, inspection of spot the offence against the accused persons described in column no. 3 is properly proved against them under section 147/148/149/307/427/IPC & 2(3) UP Gangster act. Therefore the absconding accused persons namely Brijesh Singh, Tribhuvan Singh and Guddu @ Ajay Singh are being CHALLAN through this Charge sheet in the Court. Therefore it is requested that the Accused Sunil Rai and Anand Rai who were arrested earlier and are on bail, their trial under section 2(3) UP Gangester act. It is requested that please summoned the witnesses/proof and take punitive action.

Dated 01-12-2006

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Ramesh Chandra Shukla

S.I.S. Kaisarbagh Lucknow.

Name and address of witnesses

1- Sri Mukhtar Ansari s/o Subhanullah Ansari R/o Darjitola Yusufpur Ps. Mohammdabad District Ghazipur (Informant)

2- Sri Afzal Ansari s/o Subhanullah Ansari R/o Darjitola Yusufpur Ps. Mohammdabad District Ghazipur

3- Ramesh S/o Nathu yadava R/o Tanti, Ps. Mardah district Ghazipur,

4- Salim s/o badruddin R/o Town yusufpur Ps. Mohammdabad District Ghazipur.

5- Raju s/o Kailash kanaujiya R/o paradi Ps. Ranipur district Ghazipur.

6- Shamsuddin s/o Siddique R/o Gauspur Ps. Mohammdabad, District Ghazipur.

7- Gausmuhiuddin @ Tannu s/o Khalid R/o Yusufpur, Ps. Mohammdabad district Ghazipur.

8- Imtiyaaz s/o Nur Mohammad R/o Shadiabad Ps. Shadiyabad District Ghazipur.

9- Afroz s/o Farooq R/o Mahrupur Ps. Mohamdabad district Ghazipur.

10- Munnavar s/o Anvar R/o subharanpur, Ps. Nonahara district Ghazipur.

11- Alam s/o Abdul Rahman R/o Jamalpur Bagh Ps. Dakshintola district Mau.

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12- Sri Puttan s/o Mukhtar R/o Shekhtola yusufpur Ps Mohammadabad district Ghazipur

13- Sri Taukir s/o Mambub Ahmad R/o Dharammarpur Ps. Karanda District Ghazipur.

14- Israicl s/o altaf Ansari R/o balapur Ps. Mohammdabad district Ghazipur.

15- HCP. Abdul kalam Police line Ghazipur,

16- HCP BhimRaaj police line Ghazipur,

17- HCP 30 Moh. Mustafa Police line Ghazipur,

18- HCP Sabhajit Singh Police line Ghazipur

19- Sri Kalyan Singh The then SHO cantt lucknow (Fard Witness)

20- HCP 235 Sri Prakash Singh Ps. cantt. Lucknow (FIR writer)

21- S.I. Sri Sharda Prasad Dixit (First IO)

22- SSI Sri SC Tiwari PS. Cantt. Lucknow (second IO)

23- SSI Sri R.S. Sachaan SIS Kaisarbagh (Third IO)

24- SSI Sri Sukhbir Singh chandel SIS Kaisarbagh lucknow (fourth IO)

25- S.I. Sri Saiyaad Hasan Zaafer SIS KaisarBagh lucknow (fifth IO)

26- S.I. Ramesh Chandra Shukla SIS Kaisarbagh Lucknow (IO)

27- Sri Somdatt Sharma Ex. In-charge inspector Kotwali Hazratganj Lucknow (IO)

28- Sri Shyamakant Tripathi Ex. In-charge Inspector Kotwali Hazratganj lucknow (IO)

Sd.
(Ramesh Chandra Shukla)

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sub inspector
Dated 01-12-2006

SIS Kaisarbagh Lucknow

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ANNEXURE R-10

In the court of CMM, Tis Hazari Court, Delhi FIR No. 69/2007 u/s 384, 387, 506, 468, 471, 34 IPC Special Cell, Lodhi, New Delhi.

Sir,

Identification of illegal properties being proceeds of Cr U/S 105 C/W 205 D to 105 CrPC acquired by Brijesh Singh after committing the offence.

Respected sir,

It is most respectfully submitted as under,

One application was made out and that after the arrest of accused Brijesh Singh in the case FIR No. 69/07 PS Special Cell U/S 384, 387, 506, 468, 471, 34 IPC as per the direction passed by this Hon'ble Court on the application of Special Cell vide order dated 29.05.2008 u/s 105C to CRPC the matter was further investigated to identify the properties accumulated by the Brijesh Singh @ Arun Kumar Singh @ Brijesh Thakur s/o Rabinder Nath Singh as proceed of defined u/s 105 A of CRPC.

That as per the investigation conducted so far it came on the record that Brijesh Singh has no permanent legal source of income all the properties were acquired after commission different crimes and as such can be treated as proceed crime.

Brijesh Kumar Singh s/o Rabinder Kumar Singh R/o Village Dhourhera, PS Choubey Pur, Dist Varanasi, UP, 39 born in medium class family. He was a brilliant student of OSC in UP College, Varanasi on 27, August 1984 the opposite party due to land disputes killed his father I the neither village

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after that Brijesh Kumar Singh killed opposite party member Harihar Singh and others of yadav family in the village during firing the also got gun shots and was arrested on the spot by the Choubey Pur Police. He remained about a year in the jail and got period treatment and hover turned up further trial. He further committed murder and in famous killing UP, Bihar, Gujrat, Maharastra like Hospital Shootout Shri Chatti shot shootout and lot more some of his in famous case are as under list of case enclosed. He remained out of cloths of low from whole of this period after he jumped period.

He was the first target of UP STP when it was formed and started and functioning UP government announced a reward of Rs 5 lacs and 25 thousand from Gujrat Police on his many team we formed by police UP police to arrest him but of them got success. His associate Tribhuwan Singh @ Pawan Kumar singh is absconding having a reward Rs 5 Lacs UP government and Rs 25 thousands from Gujrat Police from on his arrest.

Meanwhile a case bearing FIR No. 69/07 PS Special Cell was registered by Delhi Police against the him A team of Special Cell Delhi Police after continuous efforts spotted him in BHU on 23.01.2008. He put strong resistance during his arrest when he as being by the police he created XXXXXX at Bhuvneshwar Airport on 28.01.2008 they the police party managed to being him in Delhi.

Involvement Brijesh Kumar Singh s/o Rabinder Nath Singh r/o Village Dhourhera, PS Choubey Pur. Dist Varanasi, UP, 39 History Sheet No. 27A.

1.	P/A No	Under Section	Police Station
2.	6/82q	302 IPC	Chobeypur, Varanasi

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3.	66/05	147, 148, 149/302 IPC	Baluwa Chounded
4.	308/89	302, 307 IPC	Chobeypur, Varanasi
5.		97/09	Chobeypur, Varanasi
6.		302, 307 IPC	Dhanpur Chound
7.	364/89	302/307 IPC	Cant Varanasi
8.	457/89	302 IPC	Cant Varanasi
9.	3/90	302 IPC	Dhanpur Chound
10.	35/90	147, 148, 149, 307 IPC and 7 Criminal Amendment Act	Sakaldiha Choundali UP
11.	114/90	147, 148, 149, 307 IPC and 7 Criminal Amendment Act	Chaitgaj Varanasi UP
12.	110/90	419, 420 IPC 25/35 A Act	Buxor Bihar
13.	232/90	419, 450 IPC 25/35 Act	
14.	98/91	147, 148, 149, 302, 307 IPC	
15.	424/91	147, 148, 149, 302, 307 IPC	Cant Varanasi
16.	658/01	147, 148, 149, 302 IPC	Do
17.	197/02	47, 148, 149, XXX IPC	Meheshana Ahmdabad Gujarat
18.	446/92	143, 144, 146, 148, 149, 302, 307, 322, 506, 452, 34 RWS 120 B, 201, 201, 205, 204, 21 IPC	P Byculla Mumbai Maharashtra Hospital
19.	127/94	147, 148, 149, 302, 307, 34, 120B IPC & TADA	
20.	120/95	3/1 Gangster Act	Chobepur, Varanasi, UP
21.	369/96	302, 120 B 34 IPC & 27 Act	Bardha, Azamgarh, UP
22.	368/96	302, 120B, 34, IPC & 27 A Act	Dhanoad, Jharkhand
23.	07/97	110 G CrPC	Chobepur, Varanasi
24.	232/08	307, 120 B, 34 IPC & 27 A Act	Katrash, Jharkhand
25.	30/99	302, 307, 120 B, 341 IPC & 27 A Act	Katrash, East Basuria
26.	251/2001	7 Criminal Amendment Act	Muhammadabad and

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			Gazipur, Up
27.	251/2001	147, 148, 149, 427, 307 IPC	Muhammadabad and Gazipur, Up
28.	69/07	384, 387, 419, 468, 471, 506, 34 IPC	Cant Sadar, Lucknow UP Police Station Special Cell, Delhi.

Some brief fact of this involvement

In the year 1995 the Brijesh Kumar and his gang killed 6 persons of yadav in the Village Sikara PS, Choubey Pur, Varanasi, UP this XXXXXXXXXXXXX XXXXX and one 6 months old child were also murdered. In this incident accused and his associates used automatic weapon A case FIR No. 66/85 u/s 302 IPC of this effect was registered as PS Chobey Pur, Varanasi, UP.

In the year of 1989 he killed a renowned businessman and depuily maor and Singh and his other 4 who were present with Anil Singh were killed by Brijesh Singh and his associates by automatic weapon FIR No. 335/89 PS Cant, Varanasi, UP was registered.

In the year 1990 he along with associate injured and robbed a canel part contractor of the area. The incident was reported vide case 232/1990 PS Sadpur, Gazipur, UP.

And may 1991 the due Brijesh Singh and Tribhuvan Singh along with dear gang members made a murderour assault on election CEAM palging leap of map Ansari 6 persons Kamla Singh surrender Raj and Jingpur Gupa were killed in this att while other three namely Rameshwer XXXX and D Nathraj were seriously injured for tunately MLA Ansari was not present in the at

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the time of attack in this incident accused and his Sassocultes used automatic weapons A case FIR No. 98/96 307 IPC was registered at PS Bhavakaur, Gazipur In this regard political for his family and friends also to enhance his terror the area after this attack Brijesh Singh was made.

He joined hands with Dawood Ibharim and his gang to enhance his notareety and to get sophisticated weapons Dowed Ibharim and his associates Sunil Samonth and Subash Thakur @ Bal Thakur helped him to kill one Raghunath Yadav of his village who was hiding at Mehasana, Gujrat after the killing 6 people of his family by the gang.

Raghunath Yadav murder at Mehsana, Gujrat 14/6/1992 Brijesh Singh and Tribhuvan Singh H No Singh @ Hariya beside 03 other killed one Raghunath Yadav on main road neck bus stand Raghunath Yadav was alone survive of his family whose onter 6 family member were killed by Brijesh Singh and Tribhuvan Singh in Village Dharohara PS Chaubey Pur, 1985 Police SI HC Jhalla tried to chase them down to apprehend when they were feeing from the spot in the Maruti Car the gun shot at the officer leaving him seriously injured the officer Hardev Sigh Jhalla is still paralyzed. They left mental car and escaped the police gypsey from the spot they jumped injured SI remaining Police personal run away and save their lives a cash reward of Rs 25 thousand of each has been declared on their vide home department Ghandinagar letter No. MHKK1020000-1212OT 31.03.2002 on Brijesh Singh and other incuding Dowed Ibharim.

In the year 2001, 14 people Brijesh Singh and Tribhuvan Singh went to Usri Chatti PS Mohammadabad, Gazipur and killed one Ramchandir and

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Babu Singh with sophisticated weapon other 9 people were injured in the action.

In 1995 to 1996 the due mae a murderous assault on maya Shankar Singh of the Village who was been taken to Banaras Court by Police escort party. The two police those were escorting the victim Maya Shankar were killed by Brijesh Singh and Tribhuwan however Maya Shankar could manage in narrow escape.

In the year 2003 he killed Rajive Ranjan Singh S/o Late Suriya Dev Singh coal Mafia and MLA from Dhanbad to support his rival Supresh Singh Kaul.

From the terror and Brijesh Singh and Ganj money started coming ward him from tide way CPWD tenders carp oil business.

That in the further investigation of the case 69/07 PS Special Cell it has been found that accused Brijesh Singh @ Arun Kumar Singh and Tribhuwa Singh @ Pawan Kumar Singh and others are involved in number of extortion contract killing and many other heinous cases and are running their criminal activities since their abscondance since 1985 they have assumed fake identities and evading their arrest knowingly till Brijesh Singh was arrested in the above noted case of 23.01.2008 both accused are partner in their all illegal activities.

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ANNEXURE R-11

DD. No. 17, u/s 41(1) Cr.P.C. dated 23-06-2015 special cell NDR

Memorandum of statement of accused Schinda Nand Sharma @ Lambu Sharma @ Munna Sharma son of Nand Kishor r/o village piro Gandhi chauk district Bhojpur Bihar aged about 24 yearswho is under custody has happily & voluntarily stated that I was born in year 1992. My father was a carpenter. I have three brothers and one sister. My initial schooling was done at KANYA MADHYAMIK SCHOOL lohiya chauk piro bihar. I left my studies when I failed in class 7 and went to Ludhiyana along with Manoj a guy adjacent to my house. Together we had started working in a PSS company as a worker that company is manufacturing Pumps. I have worked in this company about four years till 2004.

In 2004 once during travelling towards my village a girl namely Azmeri had become my friend. Azmeri is already entangled in a relation with another lad namely Ghannu Singh. Due to being a love triangle I had issues with Ghannu Singh. Once during a conflict between me and Ghannu Singh a lad namely Kamlesh from Ghannu Gruoop was injured with a knife and he died. I ran away from there and I reached to the house of Aslam r/o village piro a friend of mine. After a night stay at his house I went to my maternal uncle in district Rohatas and stayed there for about two months. After that I went to ludhiyana and along with my brother I stay there about 20-25 days after wards my borther take me to Ara and I surrender there in Ara Court at that time my age was about 13-14 years due to that I was kept in juvenile jail. In that jail juvenile and major jail is same at sometimes I take a round and walk in to the jail.

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During the time in jail I had met a notorious criminal namely Chand Miyan r/o Dharhara Ara Bhojpur. I also met a man namely Arun yadav r/o Malikpura Ps Baghara dist. ARA and in between us a good friendship was formed. Meanwhile arun Yadava was released from jail. After a time of 14 months passed in jail one day I along with three other inmates are taken back after the production at juvenile court as and when on the way the train getting slow I run away from custody after finding an opportunity. Strightly from there I went to my friend Arun yadava's house. There I also met on the instance of Arun yadava with Manoj Yadava, Raju Paswan, and Bijendra Paswan and insisted my to join his group. Al these persons are committing theft and robbery. In tyear 2005 I, along with manoj Sharma, arun yadav and bijendra yadava robbed a motorcycle hero Honda on the point of country made gun. We were using that motorbike for robbery and keep an eye on our targets but on a day due to an accident happened to that bike I along with arun Yadava were arrested by Ps. Navada. On this term I detained in prison for about three year i.e. 2008. On this time I met manohar chaudahari r/o mohan tola jagdishpura, rambabu yadava r/o osai Ps. Bihiya Ara Azmer Khan r/o Banhai Ara, Guddu Singh r/o Jamira Navada Ara, nagendra Paswan r/o Bhairo inside the Ara Jail. And through Nagendra I met Anshu Sharma who often visit to meet Nagendra paswan in Ara Jail. During detained in jail I disclose about my art of making bombs through that some inmates in jail impressed with that art and giving me money. In 2014 I initially I had won the confidence of Chand Miyan and Pramod Singh and met them in regular meeting inside the prison. During that meetings I had came to know about Hollas Rai who is MLC of Bhojpur and

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one sunil Pandey who is MLA Baxar, often talk to pramod singh and Chand miyan. Sunil Pandey oftenly coming to jail and talk to Pramod Singh several hours in jail Superintendent's room. During such a meeting with chand miyan and Pramod Singh I came to know about that Sunil Pandey and Hollas pandey who are the close associates of notorious mafia Brijesh Singh has been planning to kill Mukhtar Ansari who was detained in Agra Jail. Chand Miyan and Pramod Singh told me that they had share the information with Sunil Pandey and Hollas Pandey about my Bomb making knowledge and sunil pandey and Hollas Pandey has also tell these things to Brijesh Singh in front of me. And on that Brijesh Singh instructed and entrusted Chand Miyan and Pramod Singh to kill Mokhtar Ansari by exploding bomb. Both of them told me that due to my knowledge I can be helpful to kill their prime target i.e. Mokhtar Ansari and they will pay me 50 lakh for this work. I agreed to do so. Pramod Singh has informed Hollas Pandey that Lambu Sharma has agreed to do the task. Chand Miyan told me that he know mukhtar Ansari but due to some money problem for a while but anyhow he can arrange a meeting by which I can see all the surroundings near-by. He has also gave me 20000rs as a token money and told me to make a plan about my escape from Jail. After some time passed Chand Miyan is bailed out.

First of all we (myself along with my associates) planned a scheme to escape from prison for the purpose to kill Mukhtar Ansari. for this I called anshu and Rinku and entrusted them the work of buying of Mencil-potash explosive and also gave him 5000rs for this. During this time promod singh was also present there. I told Anshu to grind the potash and mencil

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separately put the mixture in a milk box. Pramod Singh has mannege the place where this grinding happens in to a mixture and I had instructed Anshu to bring 4clock cells and two torch battery , a wire and a switch. I prepare the circuit and instructed them to put the battery and bulb inside the mixture and put the switch outside and after that I handed over the same to Anshu and Rinku. I have included them i.e. Pramod Singh And Akhilesh Singh in my escape plan from jail but did not included them in the plan of Mukhtar Ansari's assassination.

After due deliberation I included Nagina Devi for planting the bomb and make a plan and also arrange a meeting with Anshu. I had take advantage of the innocence and illiteracy of Nagina devi and told her that on my date Anshu will give her a packet bearing a camera in it and outside there is a switch on it. when I was about to getting down from van for takeing me in court then at that time by that switch take my photo. I told her to come to the court on 11-01-2015 but on that day Nagina did not reach at the right time in the court.

XXXXXXXXXXXXXXXXXXXXXXXXXX

For which I establish a friendship with him for using him in future. We meet Mukhtar Ansari again in Lucknow Jail.

After that chand miyan went to bihar for takeing the explosive whereas I went to ludiyana. At this time I stayed in ludiyana about 20-25days and from there I was regularly asking about the explosive to chand Miyan. When I told chand Miyan that money had come to an end then he call me at

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Delhi. Where I met in a House of MP at Firozshah road. After a night halt I went back to Ludhiana.

After ten days chand miyan told me about the arrangement of explosive is done and instructed me to come to the flat of MP at Delhi and after a short meeting I went to gauspur. Chand miyan told me that he is about to arrange explosive shortly within one or two days. After reaching to Gauspur I tried to call chand miyan serval times but not succeeded. After couple of days I met with Naim a mechanic of Gauspur and through him I talk to Chand Miyan about the clothes (code for explosive) and chand miyan told me that he was caught recently and police is keep an eye on him now for some time we have to keep clam. But he and pramod Singh told me that keep in touch with Mukhtar ansari via visiting him. After that I went to Agra to meet Mukhtar Ansari but there I came to know that Mukhtar Ansari is in lucknow jail after that I went to Ludhiana. Today I am returning to Gauspur and caught on the way in Delhi.

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ANNEXURE R-12

IN THE COURT OF SPECIAL JUDGE, M.P.M.L.A./

ADDL.DISTRICT & SESSIONS JUDGE,

COURT NO.19, LUCKNOW

Case No.1604/2006

State **Versus** Mukhtar Ansari

U/s 420, 419, 109, 120B IPC
P.S. Jagdishpura, Dist Agra
Case FIR No.60/99

Sub: I, Mukhtar Ansari is under-trial prisoner and while in jail, for the fifth consecutive time, I am an MLA from Mau Sadar Assembly, in respect of my life safety.

Sir,

It is requested that the applicant is accused in above case and is detained in District Jail Ropar (Punjab). If the applicant/accused Mukhtar Ansari will be brought to Agra Court from District Jail Ropar then certainly he can be murdered. The ruling party and his opposite persons are

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against the applicant/Mukhtar Ansari who wants to do his murder. There are many entrances on the way to reach Agra from Punjab since because of all the hostility of the applicant, he fears that he can be killed anywhere during the way and the age of the applicant is about 65 years. Two-two and half months ago I fell in Jail. I had a serious back injury due to fall, therefore, the Medical Board has written complete bed rest to me for three months, so my health always remains bad. My health can worsen during travel due to health. In view of the above circumstances, in the interest of justice it is very necessary to conduct the remand of the applicant/accused through video conferencing by not calling the applicant/accused personally in District Court Agra from Ropar Jail (Punjab) through any vehicle.

Therefore, your goodself is requested that in view of the safety and disease please conduct the trial of the applicant/accused Mukhtar Ansari through video conferencing and my advocate will remain present on each

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date. Therefore, please pass order to conduct my trial through video conferencing by not calling me personally in Agra Court from Ropar Jail.

Date: 05/10/2019 APPLICANT/ACCUSED

MUKHTAR ANSARI

Through

Sd/-
Prakash Narayan Sharma
Advocate
Regd. No.772/1992
Civil Court, Agra

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In the Court of Special Judge MP MLA court/ Additional district and Session Judge Room No. 20 Agra

In-re case no.1604/2006

State Vs. Mukhtar Ansari

u/s-420,419,109,120B IPC

PS. Jagdishpura District Agra

crime no. 60/99

Order sheet dated 05-10-2019 of Agra Court.

It appears from the perusal of file that till dated 18-08-04 the accused is being summoned by B warrant. After that the case file was transferred in other court and in place of issuing B warrant by mistake a bailable warrant was issued against him which was turned in to NBW in time lapse. As per affidavit he is detained in district jail. A report is received from Ropar District Jail that the applicant is sick and doctor has advice him rest. It is apprehended in the application and affidavit that the applicant/accused will be murdered while traveling on the way. And it is prayed that in view of the fact and circumstances of the case do not call the accused applicant personally from Punjab Ropad jail rather than in the interest of justice his production will be done through Video conferencing facility. The production of accused Mokhtar Ansari from district jail Ropad Punjab has to be procure through Video conferencing facility till further orders. Accordingly district jail Rupnagar (Punjab) and Video conferencing room

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district court Agra will be informed for further procedures. Counsel of the accused applicant shall be appear in person in every fix date

Dated 05-10-2019

Sd.

Hon'ble Judge Agra MPMLA Court.

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ANNEXURE R-13

True transcript of BJP MLA Sushil Singh what he says about Mukhtar Ansari (Ansari Brothers) on a stage also shared by Sri Manoj Sinha BJP MP and Union minister of State (Railways)

Background voice of News Reporter of SAMACHAR PLUS NEWS CHANNEL (verbatim)

"When leaders have got the opportunity on stage how much they turn uncontrolled an example of this has evident in UP state Ghazipur. Here from a stage a BJP powerful MLA without taking the name of Mukhtar Ansari brothers has stated to shot them publicly on crossroads."

Sushil Singh Says on stage in video (verbatim)

"This SP BSP Government in (UP) state has increased crime and Gunda Raj whether this government has also increased corruption. These are the reasons Today that such people are alive, due to that reason such people are alive today, such people should be shot dead on crossroads and in this there is no guilty at all." News Reporting of SAMACHAR PLUS NEWS CHANNEL (verbatim) "Not only this the union railways state minister MR. Manoj Sinha is also present on this stage."

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ANNEXURE R-14

To,

The Hon'ble President of India,
New Delhi

Subject: In relation to prevention of the fundamental right of the security and to become alive of the prisoner Shri Mukhtar Ansari by shifting him from the district jail Banda, (ineligible) of the Article 21 of the Constitution of India

Sir,

I, Afsha Ansari, wife of Shri Mukhtar Ansari, residing at Mohalla Darjitola Police Station Mohamdabad, District Ghazipur, Uttar Pradesh, do hereby prays as under: -

1. That since the year 1996, 2002, 2007, 2012 and 2017, the husband of the Applicant viz. Shri Mukhtar Ansari, son of Shri Subhanullah Ansari, resident at Darji Tola, Police Station

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Mohammadabad, District Ghazipur, is being continuously elected for the fifth times as the Member of Legislative, MLA by the public from the District Mau Sadar Legislative Assembly Seat and even at present, the he is a Member of Legislative, MLA. Since 25.10.2005, he is continuously in judicial custody. Even at present, he is in the district jail of Banda.

2. That during the course of meeting to her husband in the jail and from the reliable/ trusted sources, the Applicant came to know that by making a pressure and with the connivance of the former Member of Parliament (MP) and the Minister of the BJP viz. Shri Manoj Sinha, Mafia Don and BJP supporter viz. M.L.C. Brijesh Singh, Member of Legislative Assembly (MLA) of BJP viz. Sushil Singh, the current I.G., STF, Lucknow

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viz. Shri Amitabh Yash, the ADG Jail Shri Chandra Prakash under the protection of the present BJP Government, conspired to commit a criminal offence and the BJP Government has given its assurance to the presided officers to protect them from the legal proceedings after the murder/ kill of the Applicant.

3. That the above said Member of Parliament (MP) and the Member of Legislative Assembly (MLAs) used to frequently attack the husband of the Applicant and his brother viz. Afzal Ansari and our family, due to the political affairs. (ineligible) the notorious criminal viz. Don Brijesh Singh, Tribhuwan Singh along with their gangs with an intention to kill the Applicant and his colleagues, attacked on them in Mohammadabad, Ghazipur, wherein my

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husband was got severally injured and fortunately his life was saved. In this attack, two other persons had got expired. In this occurrence, my husband is the eyewitness and is the plaintiff of the case against Brijesh Singh. Apart from it, the above said Member of Parliament and the Member of Legislative Assembly (MLA) by utilizing their powers, have even lodged a wrong and false cases against my husband.

4. That the elder brother of the husband of the Applicant viz. Afzal Ansari was the first choice of the people of the Parliamentary Area/ constituency of District Ghazipur for the Lok Sabha Election which was scheduled to be held in the year 2004. Fearing the first choice of the people of the Parliamentary Area/ constituency of District Ghazipur for the Lok Sabha Election, the elected Member

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of Parliament of the Cant Police Station area of the District Lucknow viz. Shri Manoj Sinha attacked on my husband and his elder brother Shri Afzal Ansari. In this attack, the former Member of Legislative of the BJP party viz. Shri Krishna Nand Rai along with the mafia don Brijesh Singh and other persons were involved. The husband of the Applicant is the plaintiff of the case and is the eye witness against the said persons. An FIR (First Information Report) No. 09/ 2004 IPC is registered on 13.01.2004 under section 307 in the police station Cant District and the same is pending consideration before the Ld. Court.

5. In the said Lok Sabha election held in the year 2004, the brother of the husband of the Applicant viz. Afzal Ansari had defeated the experience leader of the BJP party from the

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parliamentary area/ constituency area of Ghazipur viz. Shri Manoj Sinha from the difference of around 2 lacs votes, in the Lok Sabha general election. Due to this political dispute, the above said BJP leaders falsely implicated my husband and his elder brother Afzal Ansari in the murder of the former BJP Member of Legislative (MLA) Krisna Nand Rai on 29.11.2005, while at that time, he was behind the prison/ bar in the District Jail of Ghazipur some another case.

6. That the Special Cell of the Delhi Police had in the year 2015, disclosed that the mafia don Brijesh Singh had given betel nut of Rs. 5 crores to the notorious criminal viz. Lambu Sharma, who had absconded from the jail of district Ara in the Bihar State, to kill the husband of the Applicant who had conspired

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to kill the husband of the Applicant in the bomb blast.

7. That after the formation of the Government of BJP party in the year 2017 in the State of Uttar Pradesh, the above said (ineligible) (Member of Parliament and Member of Legislative) by utilizing his high post and source, made him shifted to the District Jail of Banda at a distance of around 300 Km from the District Jail Lucknow, on the basis of the wrong administrative ground, with an intention to mentally harass the family of the Applicant and with an intention to kill/ murder the husband of the Applicant. While there is no case pending disposal/ for consideration against my husband in any of the court in the District Banda or adjacent/ nearby to the District Banda. Apart from it, it is relevant to mention herein that some of the cases/

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litigations are pending against my husband in some of the courts within the territory/ judicial area of the District Lucknow, District Ghazipur and the District Mau. These legal provisions have been ignored in the shifting of my husband.

8. That the husband of the Applicant is suffering from even some serious diseases viz. high blood pressure, diabetes, disease of the back bone (spondylitis and slip disc). Due to lack of the proper treatment, he has even suffered from the heart attack in the Banda Jail. Due to these reasons, the Doctors have advised him not to travel for a long distance. But due to the trial/ cases/ litigations against the husband of the Applicant pending in the District Lucknow, Ghazipur and the District Mau, he has to travel for a long distance for his appearance

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on the prescribed date of hearing/ listing of the case. Due to which he is suffering from his health issue and also his life is in danger and there is a possibility of his murder.

9. That the Applicant is at present residing at Metro City Apartment, Nishatganj, Lucknow, Uttar Pradesh. By travelling a length and painful journey of around 300 km, I have to reach Banda from the Lucknow to meet my husband in Banda. Due to which, she is suffering from the loss of money and time. Apart from it, due to the lengthy distance, her husband is facing the various problems while travelling to Lucknow for participating in the assembly session and for his proper treatment. Also there is a danger to his life. Due to which, he can not come to the Lucknow frequently. Due to these reasons, even it is justified to shift my husband from

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the District Jail Banda to the District Jail Lucknow.

10. During the course of my meeting with my husband, my husband informed me that it is almost certain for our elder brother Shri Afzal Ansari to contest the election from Ghazipur Constituency seat against Shri Manoj Sinha in the next general election which is scheduled to be held in the year 2019. In such scenario, the above said Member of Parliament by committing my murder, would try to win the election for Shri Sinha by giving the said incidence as the communal angle. As the Central Minister Shri Manoj Sinha in the presence of the BJP Member of Legislative (MLA) Sushil Singh has threatened me in one of the general meeting/ assembly of Mohammadabad that he will kill me in the mid road. Whose video

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is enclosed herewith as an evidence. In case there is any fatal attack on me and in case I get killed then by considering the nominated Member of Parliament, Member of Legislative Assembly and the higher officers as responsible for plotting my murder and the entire legal proceeding should be taken against the, and this application be considered as my statement prior to my death.

11. The Applicant even states herein that I have a full doubt that just like the murder of Munna Bajrangi inside the jail, it can be repeated and my husband can be murdered in the same manner by repeating the same incidence once again. Munna Bajrangi was shifted to the Bagpat Jail without any warrant. While there was no such order passed by any of the Court. Be aware that

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one of the criminal viz. Sunil Rathi was shifted from the Uttarakhand two days ago without any solid reason. As per the report broadcasted by the media, the night when Munna Bajrangi was brought in the jail, on the very next morning he was murdered/ killed inside the jail. After the said murder, the administration and the Government ignored the said incidence and the Government of Uttar Pradesh did not took this incidence seriously, even when Munna Bajrangi and his wife Smt. Seema Singh by organizing a press conference ten days ago, had suspected the Administration and the Government about the conspiracy of the murder of his husband.

12. That my husband is in judicial custody/ jail. The Article 21 of the Constitution of India provides the fundamental right to live alive,

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wherein even it is included the right of being the fearless and the Hon'ble High Court and the Hon'ble Supreme Court have been made the guard of these fundamental rights and it is the duty of the Hon'ble High Court to ensure the security of (ineligible) of my husband as the preservator of the fundamental rights.

PRAYER

Thus it is prayed that keeping in view the entire facts and circumstances and keeping in view the serious problems in the life of my husband, the Ld. MLA (Member of Legislative Assembly)/ prisoner under consideration viz. Shri Mukhtar Ansari, the order be passed to immediately shift him from the District Jail Banda to one of jail out of the District Jail Lucknow , District Jail Mau and the District Jail Ghazipur, wherever his case is pending for consideration/ disposal before any of

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the district courts, in reference of the security of his life under the fundamental right to live alive under Article 21 of the Constitution of India, so that the security of my husband be ensured. The Applicant will always be grateful to you.

Dated: 10.09.2018 Applicant

Sd/-

Smt. Asshan Ansari,
Wife of Shri Mukhtar Ansari (MLA)
Resident of Metro City Apartment,
Tower – 20 – 10 –A1
Nishant Ganj, Lucknow,
Uttar Pradesh

Copy sent to the following authorities for information and necessary action: -

1. The Hon'ble President of India, New Delhi
2. The Hon'ble Chief Justice of India, Hon'ble Supreme Court, New Delhi
3. The Ld. President, National Human Right Commission, New Delhi

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4. The Ld. President, Minority Commission, New Delhi
5. The National President, National Women Commission, New Delhi
6. The Hon'ble Chief Minister, Government of Uttar Pradesh, Lucknow
7. The Ld. President, State Women Commission, Uttar Pradesh
8. The General Secretary, Government of Uttar Pradesh, Lucknow

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ANNEXURE R-15

ITEM NO.68 COURT NO.6 SECTION II-A

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3928/2018

(Arising out of impugned final judgment and order dated 03-04-2018 in MCRC No. 10479/2017 passed by the High Court Of M.P At Indore)

ANWAR KHAN Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH Respondent(s)

(FOR ADMISSION and I.R. and IA No.66081/2018-EXEMPTION FROM FILING O.T.)

Date : 17-05-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Rakesh Dahiya, AOR
Mr. Aditya Dahiya, Adv.
Mr. Satyavan Kudalwal, Adv.

For Respondent(s) Mr. Arjun Garg, Adv.
Mr. Aakash Nandolia, Adv.

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

The petitioner herein is a witness in the murder case of his employer with whom he was working as driver. As per the prosecution he is an eye witness and he has to depose in the case. However, the petitioner submits that there is a threat to his life and it may not be possible for him to go to the court and depose. For this reason, he moved an application stating that he should be examined on commission. This application is rejected by the lower court as well as the High Court. It would be difficult to issue the

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Commission to record the evidence of the petitioner as it is to be recorded in the presence of the accused persons and they have also a right of cross-examination. Therefore, even if the order or commission is issued and the Commissioner records the evidence, it has to be in the presence of the accused persons.

In the aforesaid circumstances a query was made by this Court as to whether video conferencing facilities are available at Indore so that the petitioner could be examined by video conferencing. We are informed that in fact video conferencing facilities are available in Indore where the trial is taking place i.e. Additional Sessions Judge (12th), Indore and also in the District Court, Udaipur.

In view of the aforesaid circumstances, it would be possible for the petitioner to go to the District Court at Udaipur on the date fixed by the Trial Court to facilitate recording of the evidence of the petitioner through video conferencing.

In the aforesaid circumstances, arrest warrants against the petitioner are recalled on the assurance given by the learned counsel for the petitioner that he will get his statement recorded in the aforesaid manner.

The special leave petition is disposed of.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER

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1 ANNEXURE R-16

ITEM NO.6 COURT NO.1 SECTION PIL-W

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)(Civil) No(s). 699/2016

ASHWINI KUMAR UPADHYAY & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

IA 54552/2017- FOR DIRECTION, IA 54637/2017- FOR CLARIFICATION/ DIRECTION, IA 57812/2017-FOR INTERVENTION/ IMPLEADMENT, IA 58124/2017-FOR INTERVENTION/IMPLEADMENT, IA 61324/2017-PERMISSION TO AMEND PRAYER, IA 136819/2017-FOR CLARIFICATION/DIRECTION, IA 81286/2018-FOR INTERVENTION, IA 81287/2018-FOR CLARIFICATION/DIRECTION, IA 107427/2018-APPROPRIATE ORDERS/DIRECTIONS, IA 107431/2018-EXEMPTION FROM FILING O.T., IA 127023/2018-FOR INTERVENTION/IMPLEADMENT, IA 127368/2018-FOR INTERVENTION, IA 130542/2018-STAY APPLICATION, IA 130543/2018-EXEMPTION FROM FILING O.T., IA 146933/2018-EXEMPTION FROM FILING O.T., IA 2083/2019-FOR INTERVENTION, IA 2085/2019-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 23-04-2019 This petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE SANJIV KHANNA

Mr. Vijay Hansaria, Sr. Adv. (A.C.)
Ms. Sneha Kalita, AOR
Mr. Avnish Pandey, Adv.

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Mr. Ashwini Kumar Upadhyay, Adv.
Mr. Prashant Kumar Umrao, Adv.
Ms. Deepika K., Adv.
Mr. J.P. Tripathi, Adv.
Mr. R. D. Upadhyay, AOR

For Respondent(s)
Mr. Mukesh Kumar Maroria, AOR

Mr. Monish A. Handa, Adv.
Mr. Mohit D. Ram, AOR

Mr. Balaji Srinivasan, AOR

WWW.LIVELAW.IN

Mr. Pranav Sachdeva, AOR

Mr. V.N. Raghupathy, AOR
Mr. Parikshit P. Angadi, Adv.
Mr. Manendra Pal Gupta, Adv.

Mr. V.G. Pragasam, AOR
Mr. S. Prabu Ramasubramanian, Adv.
Mr. S. Manuraj, Adv.

Mr. Tapesh Kumar Singh, AOR
Mr. Aditya N. Das, Adv.
Mr. Aditya Pratap Singh, Adv.

Mr. T.G. Narayanan Nair, AOR

State of U.P.

Mr. Vinod Diwakar, AAG
Ms. Swarupama Chaturvedi, AOR

High Court of Allahabad

Mr. Sunny Choudhary, AOR

Ms. Sneha Kalita, AOR

Mr. Sibo Sankar Mishra, AOR
Mr. Niranjan Sahu, Adv.

Mr. Shuvodeep Roy, AOR

Mr. Anil Grover, AAG, Haryana
Mr. Samar Pal Singh, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Sanjay Kumar Tyagi, AOR
Mr. Prakash Gautam, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Bansuri Swaraj, Adv.
Mr. Raghunatha Sethupathy, Adv.
Mr. Gagan Narang, Adv.
Ms. Arshiya Ghose, Adv.

Mr. Ranjan Mukherjee, AOR
Mr. K.V. Kharlyngdoh, Adv.
Mr. Upendra Mishra, Adv.

Mr. Chirag M. Shroff, AOR

Dr. Rajesh Pandey, Adv.
Mr. Diganta G., Adv.
Ms. Aswathi M.K., AOR

Ms. Radhika Gautam, AOR

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342

Mr. Aviral Saxena, Adv.
Ms. Rachana Srivastava, AOR
Umm E. Salma, Adv.

Mr. P.V. Yogeswaran, AOR

Mr. Naresh K. Sharma, AOR

Mr. M. Shoeb Alam, AOR
Mr. Ujjwal Singh, Adv.
Mr. Gautam Parbhakar, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.

Mr. Karan Bharihoke, AOR
Mr. Siddhant Sharma, Adv.
Ms. Navkiran B., Adv.

Mr. Leishangthem Roshmani Kh., AOR
Ms. Maibam Babina, Adv.
Ms. Anupama Ngangom, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi, Adv.
Ms. Vishakha, Adv.

Mr. Guntur Prabhakar, AOR
Ms. Prerna Singh, Adv.

Mr. Manoj Gorkela, Adv.
Mr. Arpit Bisht, Adv.
M/s Gorkela Law Office, AOR

Mr. K.V.Jagdishvaran, Adv.
Ms. G. Indira, AOR
Mr. R. Seth, Adv.

Mr. Bharat Sangal, AOR

Ms. Astha Sharma, Adv.
Mr. Amit Verma, Adv.
Mr. Abhishek Manchnda, Adv.
Ms. Dimple Nagpal, Adv.
Mr. Prastut Dalvi, Adv.
M/s PLR Chaambers & Co., AOR

Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.

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Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
M/s Arputham Aruna and Co., AOR

Mr. Arjun Garg, AOR
Mr. Devansh Srivastava, Adv.

Ms. Apoorv Kurup, AOR
Mr. A.C. Boxipatra, Adv.

Mr. Anupam Raina, AOR

Mr. Annam D.N. Rao, AOR
Mr. A. Venkatesh, Adv.
Mr. Rahul Mishra, Adv.

Ms. Aniruddha P. Mayee, AOR
Mr. A. Selvin Raja, Adv.
Mr. Chirag Jain, Adv.

Mr. Anil Shrivastav, AOR
Mr. Rituraj Biswas, Adv.
Mr. Satyendra Kumar Shrivastav, Adv.

Mr. Aman Lekhi, ASG
Mr. A.N.S.Nadkarni, ASG
Ms. V. Mohana, Sr. Adv.
Ms. Sunita Sharma, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. Vijay Prakash, Adv.
Ms. Nikita Capoor, Adv.
Ms. Ankita Sharma, Adv.
Ms. Kashvi Dutta, Adv.
Ms. Anil Katiyar, AOR
Mr. Arvind Kumar Sharma, AOR

Mr. Anandh Kannan N., AOR

Mr. Ambhoj Kumar Sinha, AOR

Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. Abhinav Mukerji, AOR
Mrs. Bihu Sharma, Adv.
Mr. Siddharth Garg, Adv.
Ms. Purnima Krishna, Adv.
Ms. Pratishtha Vij, Adv.

Mr. Pravin H. Parekh, Sr. Adv.

WWW.LIVELAW.IN

Mr. Vishal Prasad, Adv.
Ms. Tanya Chaudhry, Adv.
Ms. Pratyusha Priyadarshini, Adv.
M/s Parekh & Co., AOR

Ms. Surekha Raman, Adv.
Ms. Viddushi, Adv.
Mr. S.Salvador Rebbello, Adv.
Mr. Akhil A. Roy, Adv.
Mr. Sahil Singh, Adv.
M/s K.J. John & Co., AOR

Mr. Kabir Dixit, AOR

Intervenor in Person

UPON hearing the counsel the Court made the following

O R D E R

We have heard Mr. Vijay Hansaria, learned Amicus Curiae and Mr. Vinod Diwakar, learned Additional Advocate General appearing for the State of Uttar Pradesh.

The limited consideration in the proceedings today is with regard to the pending criminal cases against one Ateeq Ahmed. We have perused the details furnished by the learned Amicus Curiae in his Fifth Report and have considered the directions that have been sought.

On due consideration and having regard to the totality of the facts and circumstances of the case, the following directions are issued:

(1) Investigation with regard to the incident dated 26.12.2018 FIR No. 810 of 2018 would stand transferred to the C.B.I. who will submit quarterly Status Report of the progress of investigation to this Court.

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(2) Jail officials prima facie involved in the incident dated 26.12.2018 in terms of the two reports of the State Government shall be suspended forthwith by the disciplinary authority and appropriate proceedings in law be registered against them.

(3) Ateek Ahmed shall be transferred to a jail in the State of Gujarat wherein Video Conferencing facilities are available.

(4) Cases pending against Ateeq Ahmed shall be expedited and the trial court is directed to submit quarterly Status Report of the progress of the trial to the Registry of the High Court of Allahabad.

(5) Witness protection in terms of the judgment of this Court in Mahender Chawla & Ors. vs. Union of India & Ors., 2018 (15) SCALE 497, shall be afforded without requirement of filing any application by the witnesses.

(6) The State Government shall within four weeks furnish status of the remaining 80 cases against Ateeq Ahmed (106 registered cases less 26 pending in courts.)

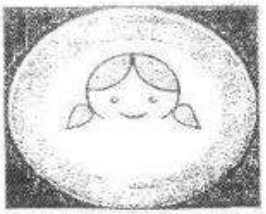
(SUSHIL KUMAR RAKHEJA)
AR CUM PS

(ANAND PRAKASH)
BRANCH OFFICER

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346

ANNEXURE R-17



Office of Civil Surgeon
Rupnagar

Tele Fax: 01881-221242, 223140, email:orthmrpn@gmail.com

No.Medical/2020/287 Date: 27/2/20

To,

Suprintendent,
District Jail Rupnagar.

Subject: **Medical Status Report of Under Trial Prisoner Mr. Mukhtiar Ansari.**

Ref: Your Office letter no. 724/w dated 27-02-2020.

On the subject cited above it is submitted that patient Mr. Mukhtiar Ansari 60 yrs male brought by Sh. Amarbir Singh. I/c Special Crime Branch Rupnagar has been duly examined by the board of following Doctors:

1. Dr. H.N. Sharma, CMO Rupnagar (Chairman)
2. Dr. Tarsem Singh, SMO, Ortho Department, DH Rupnagar. (Member)
3. Dr. Baldev Singh, Deputy Medical Commissioner. (Member)

After careful Examination, the Patient has been diagnosed as a case of PIVD L5/S-1 with Radiculopathy more pronounced on the left lower limb. He is also suffering from NIDDM and recurrent depression with somatic symptoms. He has been prescribed medical treatment for the same and strict bed rest for next three months.

27/2/2020

Dr. Baldev Singh
Deputy Medical Commissioner
Rupnagar

Dr. Tarsem Singh
SMO, Ortho Department
DH Rupnagar

Dr. H.N. Sharma
Civil Surgeon
Rupnagar

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347

178481

Original
Price : Rs. 10

NEHRU HOSPITAL
POSTGRADUATE INSTITUTE OF MEDICAL
EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms. Mukhtiar Ansari
S/o, D/o, W/o Lt. Kazi Mohammad was 11th June 2019 examined in OPD/Admmitted in hospital on 11/6/2020 vide C.R. No. 0219 0635 Spl. Cl. No. Ortho
2. **The patient is suffering from** DM / HT / PVD / LS Spondylopathy
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 29/3/19
4. He/She is/was admitted in this hospital from – to –.
5. **He/She has been recommended leave frm** 11/6/2020 to 10/9/2020.
6. He/She is Fit to resume his/her duties from –
7. Expected/Actual date of delivery

Mukhtiar

Thumb impression/signature
of the patient examined.

Signature of the A.M.A. M. T. Modi
Doctor's full name Dr. M. T. Modi
Designation Professor
Department Department of Neurology
(Affix Rubber Stamp)
P.G.I.M.E.R., Chandigarh

COUNTER SIGNATURE

Countersigned

Medical Superintendent
PGIMER, Chandigarh.
Medical Superintendent
Nehru Hospital, PGI, Chandigarh

WWW.LIVELAW.IN

348

No. 176156

Original
Price : Rs. 10

NEHRU HOSPITAL
POSTGRADUATE INSTITUTE OF MEDICAL
EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms Mukhtiar Ansari S/o, D/o, W/o Lt Razi Mohammad was examined in OPD/Admmitted in hospital on 21/1/2020 vide C.R. No. 0219 0635 Spl. Cl. No.
2. **The patient is suffering from** DM/HT/DIVD/25 Si radiculopathy
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 23/3/19
4. He/She is/was admitted in this hospital from – to .
5. **He/She has been recommended leave frm** 21.01.2020 **to** 20.04.2020 .
6. He/She is Fit to resume his/her duties from
7. Expected/Actual date of delivery

Mopahtai
Thumb impression/signature
of the patient examined.

Signature of the A.M.A. A.K. Mode.
Doctor's full name
Designation प्राध्यापक Professor
Department तंत्रिका विज्ञान, विभाग Department of Neurology पी.जी.आई.एम.ई.आर., चंडीगढ़ P.G.I.M.E.R., Chandigarh

COUNTERSIGNATURE

Medical Superintendent
Nehru Hospital, PGI, Chandigarh

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343

Office of Civil surgeon, Rupnagar

Report of Medical Board

No. CS/PA/2020/518 Dated:- 13-8-2020

It is certified that Mr. Mukhtiar Ansari s/o Sh. Subhan Allan 60 yrs. male has been duly examined by the board of Doctors constituted by Civil Surgeon Rupnagar vide letter No. CS/2020/514 dt. 12-08-2020

After careful Examination, the patient has been diagnosed as a case of PIVD L5/S-1 with Radiculopathy more pronounced on the left lower limb. He is also suffering from type 2 diabetes mellitus and recurrent depression with somatic symptoms. He has been prescribed medical treatment for the same and strict bed rest for next three Months. The OPD Slip No. 2700112000645531 with diagnosis and medicines dt. 13-08-2020 is attached alongwith.

13/8/2020
Dr. Rajiv Aggarwal,
Medicine Spl.
Civil Hospital
Rupnagar.

Civil Hospital, Ropar

13/8/2020
Dr. Pawan kumar
Senior Medical Officer.
Civil Hospital
Rupnagar.

Senior Medical Officer
Civil Hospital, Ropar

13.8.2020
Dr. H.N. Sharma
Civil Surgeon
Rupnagar.

Civil Surgeon, Rupnagar

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350

From

Superintendent
District Jail Ropar.

To

HOD
Radiology department
PGIMER.

No. 6417 Dated: 11-11-2020

Subject:- Receiving of medical report of patient Mukhtiyar Ansari s/o Qazi Mohammed.

Sir,

I Would like to state that inmate Mukhtiyar Ansari s/o Qazi Mohammed was sent to PGI emergency on 09-11-2020 at evening. He was advised NCCT Head by medical officer at emergency .His CR number is 201902190635. His CT scan was done at room number 209. While the film was provided immediately, report for the CT scan is still pending. Kindly provide the report as soon as possible.

I shall be highly grateful.

Superintendent
District Jail Ropar

WWW.LIVELAW.IN

357

FFICE OF SENIOR MEDCIAL OFFICER IN. CIVIL HOSPITAL ROPAR

email- smorpr@gmail.com

No.....21..... dated.....24-02-2020.....

It is certified that Mr. Mukhtiar Ansari S/o Sh. Subhan Allan 60 Yrs, male has been duly examined by the board of doctors constituted by Civil Surgeon Rupnagar vide letter No.256 dt. 24-02-2020.

After careful Examination, the Patient has been diagnosed as a case of PIVD L5/S-1 with Radiculopathy more pronounced on the left lower limb. He is also suffering from NIDDM and recurrent depression with somatic symptoms. He has been prescribed medical treatment for the same and strict bed rest for next three Months. The OPD Slip No. 2700112000199787 with diagnosis and medicines dt. 24-02-2020 is attached alongwith.

Mohit Sharma

Dr. Mohit Sharma
Medical officer
Civil Hospital Ropar
Medical Officer,
Civil Hospital Ropar

Dr. Rajiv Aggarwal
Medical Hospital
Civil Hospital Ropar.
Medical Officer,
Civil Hospital Ropar

Dr. Tarsem Singh
Senior Medical Officer
Civil Hospital Ropar.
Senior Medical Officer,
Civil Hospital, Ropar

24.2.2020

WWW.LIVELAW.IN

352

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NEHRU HOSPITAL
POSTGRADUATE INSTITUTE OF MEDICAL EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms Mukhtiar Ansari S/o, D/o, W/o Lt Razi Mohammad was examined in OPD/Admmitted in hospital on 21/1/2020 vide C.R. No. 0219 0635 Spl. Cl. No. 2019
2. **The patient is suffering from** DM/HT/DIVD/ESRD radiculopathy
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 23/3/19
4. He/She is/was admitted in this hospital from – to ____.
5. **He/She has been recommended leave frm** 21.01.2020 to 20.04.2020.
6. He/She is Fit to resume his/her duties from ____
7. Expected/Actual date of delivery ____

Thumb impression/signature of the patient examined.

Signature of the A.M.A. M. Mode.
Doctor's full name ____
Designation प्राध्यापक Professor
Department तंत्रिका विज्ञान विभाग Department of Neurology पी.जी.आई.एम.ई.आर., चंडीगढ़ P.G.I.M.E.R., Chandigarh

Countersigned SIGNATURE
Medical Superintendent
Nehru Hospital, PGI, Chandigarh

WWW.LIVELAW.IN

353

No. 175888

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NEHRU HOSPITAL
POSTGRADUATE INSTITUTE OF MEDICAL
EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms Mukhtiar Ansari S/o, D/o, W/o Lt. Kazi Mohammad was examined in OPD/Admmitted in hospital on 03/1/20 vide C.R. No. 0219 0635 Spl. Cl. No. NC 1119897
2. **The patient is suffering from** DM/HT/PIVD/LS Radicular pain
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 29/3/19
4. He/She is/was admitted in this hospital from – to ____.
5. **He/She has been recommended leave frm** 03.01.2020 **to** 16.01.2020.
6. He/She is Fit to resume his/her duties from –
7. Expected/Actual date of delivery –

Mukhtiar
Thumb impression/signature
of the patient examined.

Signature of the A.M.A. Dr. Doda
Doctor's full name [illegible]
Designation Prof.
Department [illegible]

Countersigned COUNTERSIGNATURE

(Affix Rubber Stamp)
P.G.I. M.E.R., Chandigarh

Medical Superintendent
Nehru Hospital, PGIMER, Chandigarh

6/1/2020

WWW.LIVELAW.IN

354

OFFICE OF SENIOR MEDCIAL OFFICER IN. CIVIL HOSPITAL ROPAR

email- smorpr@gmail.com

No. 4808 dated 27-09-2019

It is certified that Mr. Mukhtiar Ansari S/o Sh. Subhan Allan 60 Yrs, male has been duly examined by the board of doctors constituted by me. The board comprised of doctor of Orthopedics, Psychiatrist and Deputy Medical Commissioner Rupnagar (Who is medical Specialist).

The Examination reports are attached along with at Annexure No. 1,2 and 3. After examination, he has been prescribed Medicines and Strict bed rest for three Months.

27/9/19

Senior Medical Officer In.
Civil Hospital Ropar

Senior Medical Officer,
Civil Hospital, Ropar

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355

No. 173497

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POSTGRADUATE INSTITUTE OF MEDICAL
EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms Mukhtiar Ansari
S/o, D/o, W/o Late Kazi Mohammad was
examined in OPD/Admmitted in hospital on 03/10/19 vide
C.R. No. 2019021906356 Spl. Cl. No. NC 1119892
2. **The patient is suffering from** DM/HT/PJVD/Lt L5/SW
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 29/03/19
4. He/She is/was admitted in this hospital from —
to —.
5. **He/She has been recommended leave frm** 03.10.19 **to** 02.01.2020.
6. He/She is Fit to resume his/her duties from
7. Expected/Actual date of delivery

Thumb impression/signature
of the patient examined.

Professor
Department of Neurology
Post Graduate Institute of Medical
Education & Research,
Chandigarh.

Signature of the A.M.A.
Doctor's full name
Designation
Department

Countersigned
SIGNATURE
4/10/19
Medical Superintendent
Nehru Hospital, PGI, Chandigarh

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EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms Mukhtiar Ansari
S/o, D/o, W/o Lt Kazi Mohammad Suba alla was
examined in OPD/Admmitted in hospital on 20/8/19 vide
C.R. No. 2019 0219 0635 Spl. Cl. No. NC 1119892
2. **The patient is suffering from** DM/HT/PIVD/Lt L5/S1
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 29.03.19 radiculopathy
4. He/She is/was admitted in this hospital from —
to —.
5. **He/She has been recommended leave frm** 21.8.19 to 02.10.19.
6. He/She is Fit to resume his/her duties from
7. Expected/Actual date of delivery

Mokhtar
Thumb impression/signature
of the patient examined.

M. Mody
Signature of the A.M.A.
Doctor's full name प्राध्यापक
Designation Professor
Department तंत्रिका विज्ञान विभाग
Department of Neurology
पी.जी.आई.एम.ई.आर, चंडीगढ़
P.G.I.M.E.R, Chandigarh
(Affix Rubber Stamp)

COUNTERSIGNATURE
Countersigned
Medical Superintendent
Nehru Hospital, PGI, Chandigarh

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POSTGRADUATE INSTITUTE OF MEDICAL
EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms Mukhtiar Ansari
S/o, D/o, W/o Lt. Kazi Mohammad Suba alla was
examined in OPD/Admmitted in hospital on 20/8/19 vide
C.R. No. 2019 0219 0635 Spl. Cl. No. NC 1119892
2. **The patient is suffering from** DM/HT/PIVD/Lt L5/S1
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 29.03.19 radiculopathy
4. He/She is/was admitted in this hospital from —
to
5. **He/She has been recommended leave frm** 21.8.19 to 02.10.2019.
6. He/She is Fit to resume his/her duties from —
7. Expected/Actual date of delivery —

Mokhtar
Thumb impression/signature
of the patient examined.

M. Mody
Signature of the Professor
Doctor's full name तंत्रिका विज्ञान विभाग
Designation Department of Neurology
Department पी.जी.आई.एम.ई.आर, चंडीगढ़
P.G.I.M.E.R, Chandigarh
(Affix Rubber Stamp)

COUNTERSIGNATURE
Countersigned
Medical Superintendent
Nehru Hospital, PGI, Chandigarh

WWW.LIVELAW.IN

WWW.LIVELAW.IN

357

No. 166822

Original
Price : Rs. 10

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POSTGRADUATE INSTITUTE OF MEDICAL
EDUCATION & RESEARCH, CHANDIGARH

MEDICAL CERTIFICATE

(To be filled by Authorised Medical Attendant. The entries be made simultaneously in the OPD file/Indoor Record file before its issue)

1. Certified that Sh./Smt./Ms MUKHTIAR ANSARI U.T. S/o, D/o, W/o Lt KAZI MS ANSARI was examined in OPD/Admmitted in hospital on 24.04.19 vide C.R. No. 0219 0635 2019 Spl. Cl. No. NC 1119892
2. **The patient is suffering from** DM/HT/CAD/PIVD c Lt.
3. **He/She has been attending the hospital as Outdoor Patient/ admitted in PGI since** 29.03.19 L5/S1 radiculopathy
4. He/She is/was admitted in this hospital from_____ to_____.
5. **He/She has been recommended leave frm** 24.04.19 **to** 07.06.19.
6. He/She is Fit to resume his/her duties from -
7. Expected/Actual date of delivery -

Mukhtar

Thumb impression/signature
of the patient examined.

Signature of the A.M.A. M. Mode
Doctor's full name Dr. Manish Modi
Designation Professor
Department Department of Neurology
P.G.I.M.E.R., Chandigarh
(Addl. Rubber Stamp)

COUNTERSIGNATURE

Countersigned

Medical Superintendent
PGIMER, Chandigarh

Medical Superintendent
Nehru Hospital, PGI, Chandigarh

25/4/19

WWW.LIVELAW.IN

358

Sanjay Gandhi Post Graduate Institute of Medical Sciences
Raebareli Road, Lucknow - 226 014 ,India

Discharge Summary

CRNO: 2018021245 **Name:** Mukhtar Ansari 55/ Y/M **Department:** Cardiology

5.TAB. NIKORAN 5 MG1 BD

TREATMENT AS ADVISED BY ENDOCRINOLOGIST:

DIET AS ADVISED

6.TAB. GLIMESTAR M1 1 BD

TREATMENT AS ADVISED BY NEUROLOGIST:

7.TAB GABAPIN-NT 100 MG 1 OD HS

8.TAB GABAPIN SR 300 MG 1OD IN MORNING

9.GEL VOLINI FOR LA SOS

AVOID FORWARD BENDING/ WEIGHT LIFTING / SQUATTING / TWO WHEELER AND FOUR WHEELER RIDE.

AVOID LONG JOURNEY, PREFER TRAIN OVER ROAD JOURNEY IF UNAVOIDABLE.

SPINAL EXTENSION EXERCISES/ LOWER BACK AND LOWER ABDOMINAL STRENGTHENENING EXERCISES.

TO COLLECT REPORT FROM CARDIOLOGY OFFICE .

TO FOLLOW UP IN CARDIOLOGY OPD ON MONDAY WITH REPORTS OF Hb, S.CREATININE, Na+, K+, LIPID PROFILE FBS AND PPBS AFTER 6WEEKS.

FOR DIABETES REFER BACK TO PRIMARY TREATING PHYSICIAN OR TO REVIEW IN ENDOCRINOLOGY OPD IF BLOOD SUGAR UNCONTROLLED UNDER DR S. YADAV AFTER THREE MONTHS.

TO FOLLOW UP IN NEUROLOGY OPD ON MONDAY/FRIDAY UNDER DR V.K. PALIWAL.

TO FOLLOW UP IN HEMATOLOGY OPD ON THURSDAY WITH REPORTS UNDER DR S.NITYANAND.

INVESTIGATION RESULTS:

2018-01-10 15:51:52.739	Coronary angiography		
2018-01-10 17:13:12.465	MRI Spine Lumbar/Sacral		
10/01/2018 06:50 AM	ABO blood grouping		
09/01/2018 07:49 PM	01. Stat TLC	11.7	x1000/ul
09/01/2018 07:49 PM	02. Stat HGB	10.8	g/dL
09/01/2018 07:49 PM	04. Stat PLT	192	x1000/ul
09/01/2018 07:49 PM	06. Stat S. Creatinine	0.88	mg/dl
09/01/2018 07:49 PM	13. Stat S. Sodium	135	mmol/L
09/01/2018 07:49 PM	14. Stat S. Potassium	4.4	
10/01/2018 06:50 AM	01. TLC	11.8	x1000/ul
10/01/2018 06:50 AM	03. HGB	9.9	gm/dl
10/01/2018 06:50 AM	05. PLT	208	x1000/cmm.
10/01/2018 06:50 AM	08. DLC		%
10/01/2018 06:50 AM	05. S. Creatinine	1.1	mg/dl
10/01/2018 06:50 AM	10. S. Potassium	4.7	mmol/L

BED HAS NOT BEEN VACATED FROM SYSTEM

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Sanjay Gandhi Post Graduate Institute of Medical Sciences

Raebareli Road, Lucknow - 226 014 ,India

Discharge Summary

CRNO:	2018021245	**Name:**	Mukhtar Ansari 55/ Y/M	**Department:**	Cardiology
Unit:	UNIT-D0003-01	**Ward/Bed:**	Cardiology Wing-A01(MICU) / PVT / 6		
Admission No:	ADM-201801298	**Admitted on:**	09-01-2018 19:29	**Discharged on:**	Jan 11, 2018 1:35 PM
Patient Type:	Priority	**Consultant:**	P. K. Goel	**Discharge Type:**	

Correspond. Address: A-1 -10th Floor, Nishat Ganj **Distt.** **State** Uttar Pradesh **Pin No.** **Phone No** +91-

Diagnosis – DM, HTN, CAD-NSTEMI (09/01/18), PMIA-VE, NSR, NORMAL LV FUNCTION

History & Examination;- This patient diabetic, hypertensive, nonsmoker, with positive family H/o CAD, presented with episode of chest pain with sweating, angina in character associated with dizziness on 09/01/18 diagnosed as a case of NSTEMI, initially managed as ACS at dist hospital Banda and referred here for further management. No H/o palpitation. On admission O/E BP= 130/80, Pulse = 76 Bp/m, regular, JVP- Normal, CVS- S1,S2 normal, No S3/S4, no murmurs. R/S- NVBS present. No crepts. Patient was admitted for coronary angiogram & possible revascularization.

ECG(O)- NSR,ST DEPRESSION IN V3-V6, FLAT ST IN I, aVL, ST ELEVATION IN aVR

ECG ON ADMISSION-NSR WNL

ECHO- Normal LV size and contractility , EF=60%

Operation Details

CART was done on 09/01/2018

A-69003 C-78118

LM-NO SIGNIFICANT STENOSIS

LAD- MYOCARDIAL BRIDGE IN PROXIMAL LAD, NO SIGNIFICANT STENOSIS

LCX- NO SIGNIFICANT STENOSIS

RCA(D)- NO SIGNIFICANT STENOSIS

Hospital Course-Patient was admitted with above complaints and immediately taken for coronary angiogram managed conservatively in line of ACS. Serial Troponin test was done (09.01.18- 0.74 ng/ml, 10.01.18- 1.1ng/ml). Endomedicine consultation was taken and advised followed accordingly. Fundus examination showed no evidence of retinopathy. In view of lower backache with radiating pain in lower limb, Neuromedicine consultation was taken for the same and diagnosed to have L4-L5, L5-S1 PIVD and advised followed accordingly.Hematology opinion was taken for low Hb and advised to follow up with relevent investigation in outdoor basis. Patient has uneventful recovery and being discharged in stable condition with follow up advice and treatment.

Status at discharge – Stable

future plan-MEDICAL FOLLOW UP

Adv-

TREATMENT AS ADVISED BY CARDIOLOGIST:

1.TAB. ECOSPRIN 75 MG 1 OD (after dinner)

2.TAB. METOCARD XL 12.5 MG 1 OD

3.TAB. LOSARTAN 50 MG 1 OD

4.TAB. ROSUVASTATIN 20 MG 1 HS

BED HAS NOT BEEN VACATED FROM SYSTEM

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DATE & INITIALS | TREATMENT AND INVESTIGATION ORDERED | DATE & INITIALS | TREATME

SUPPLY FOLLOWING DRUGS OR EQUIVALENT GENERIC DRUGS | SUPP EQU

Advice

> To continue some medication

> To continue physiotherapy as explained

> Advised to avoid travel (travel) strenous exercise.

> Bed rest for 4 weeks.

To. R/V one day before MRI

date for covid screening

09.12.2020

3.00pm

DSouth
Ortho

Vice President
of Orthopaedics

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:स्ताक्षर ITIALS	TREATMENT AND INVESTIGATION ORDERED
	SUPPLY FOLLOWING DRUGS OR EQUIVALENT GENERIC DRUGS

केवल जाँच के लिए / FOR INVESTIGATIONS ONLY
न लैब रिपोर्ट वेबसाइट pgimer.edu.in / ors.gov.in पर उपलब्ध है
t reports are available on website pgimer.edu.in / ors.gov.in

नेहरू चिकित्सालय NEHRU HOSPITAL
स्नातकोत्तर चिकित्सा शिक्षा एवम् अनुसंधान संस्थान, चण्डीगढ़
POSTGRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH CHANDIGARH

बाहरी रोगी कार्ड OUT PATIENT CARD

~~SR CITIZEN (PRIORITY)~~ Duplicat

CR No. : 2019 0219 0635 Date :15-03-2019

Name : **MUKHTIAR ANSARI**
Ph. No : 9357800001
Age/Sex : **61 Y/M** Category : Prisoner
Father Name: Lt. Kazi Mohammad Suban Alla
Address : Ropar jail
Punjab India
Department : Orthopaedics
Unit/Consit: Unit 2/RKK.VB
Room No : 2009 Serial No : 69
File No : **ORTGEN415515** Amount(Rs): 10/-
Unit Days : Mon, Fri

सामयिक निदान / तत्कालिक निदान PROVISIONAL DIAGNOSIS	

तारीख व हस्ताक्षर DATE & INITIALS	बताई गई जांचें व उपचार TREATMENT AND INVESTIGATIONS ORDERED
9/12/20	**SUPPLY FOLLOWING DRUGS OR EQUIVALENT GENERIC DRUGS** Patient has got date for MRI on 15/01/2021 - patient requires to get screened for covid before MRI, - MRI report will take 1 week to be issued.

ीं पधारने के लिए आपका धन्यावाद / THANK YOU FOR YOUR VISIT
ी प्रतिक्रिया यहाँ पर दें / Please give your valuable feedback at www.meraaspataal.nhp.gov.in

जन्म तथा मृत्यु का पंजीकरण 21 दिन के अन्दर करवाना अनिवार्य है।
पी.जी.आई में हुए जन्म तथा मृत्यु के प्रमाण पत्र एम.आर.डी. विभाग में उपलब्ध है

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बताई गई जांचें व उपचार
TREATMENT AND INVESTIGATION ORDERED

SUPPLY FOLLOWING DRUGS OR
EQUIVALENT GENERIC DRUGS

बताई गई जांचें व उपचार
TREATMENT AND INVESTIGATION ORDERED

SUPPLY FOLLOWING DRUGS OR
EQUIVALENT GENERIC DRUGS

Advice

> To continue some medication

> To continue physiotherapy as explained

> Advised to avoid travel (travel) Strenuous exercise.

> Bed rest for 4 weeks.

To. R/V. one day before MRI date for covid screening

09.12.2020
3.00pm

SKP
D Sunil
Sr Orthopaedic Surgeon

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IN THE SUPREME COURT OF INDIA

(CRIMINAL APPELLATE JURISDICTION)

CRL. M.P. NO. OF 2021

IN

WRIT PETITION (Crl.) No. 409/2020

IN THE MATTER OF:-

The State of Uttar Pradesh ... Petitioner

Versus

Jail Superintendent (Ropar) & Ors. ... Respondents

APPLICATION FOR EXEMPTION FROM FILING OFFICIAL TRANSLATION

To

The Hon'ble Chief Justice of India and his Companion Justices of the Hon'ble Supreme Court of India.

The reply of the Respondent abovenamed:

MOST RESPECTFULLY SHEWETH:

1. That the Respondent No. 3 is filing the counter in the above captioned matter.

2. That the necessary facts have been fully set out in the accompanying counter and the same are not being reproduced for the sake of brevity. The Respondent No. 3 craves leave of this Hon'ble Court to rely upon the same at the time of hearing of this application.

3. That the Annexures/documents Annexure R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R-13 and R-14 which were originally in Hindi has been filed after being translated in English by the local counsel

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to avoid delay in filing the counter. The Respondent No. 3, therefore, prays to this Hon'ble Court that the filing of official translation of the Annexures R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R-13 and R-14 may kindly be exempted in the interest of justice.

PRAYER

In the circumstances herein above, it is therefore, most respectfully and humbly prayed that this Hon'ble Court may graciously be pleased to:

(a) exempt the Respondent No. 3 from filing the official translation of Annexures/documents Annexure R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-11, R-12, R-13 and R-14;

(b) pass such other and further orders as this Hon'ble Court may deem fit and proper.

AND FOR THIS ACT OF KINDNESS THE HUMBLE RESPONDENT NO. 3 AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY:

PARUL SHUKLA
ADVOCATE FOR THE RESPONDENT NO. 3

FILED ON: 25.01.2021
NEW DELHI