

ITEM NO.30 Court 6 (Video Conferencing) 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 (CrI.) No(s). 8788/2021

(Arising out of impugned final judgment and order dated 16-09-2021 in WP No. 1843/2021 passed by the High Court Of Judicature At Bombay)

PARAM BIR SINGH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

Date : 22-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Puneet Bali, Sr. Adv.
 Ms. Natasha Vinayak, AOR
 Ms. Devanshi Singh, Adv.
 Mr. Utsav Trivedi, Adv.
 Mr. Himanshu Sachdeva, Adv.
 Ms. Manini Roy, Adv.

For Respondent(s)

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

Learned senior counsel for the petitioner on instructions states that the petitioner is very much in India but apprehends actions being taken by the State of Maharashtra. He also submits that the prayer in the Writ Petition was for directing respondent No.2/CBI to inquire and investigate into the criminal conspiracy charges. The Writ Petition has been dismissed at a preliminary stage on the ground that the petitioner must approach the Central

Administrative Tribunal as the issue raised is of the service of the petitioner with the State Government.

Learned senior counsel points out that this Court itself had entrusted the matter to the CBI *qua* Mr. Anil Deshmukh, who was the then Home Minister. It is his submission that, therefore, it is the CBI which should investigate into the complete affairs and not the State police in whom he does not appear to have faith now, despite having headed the same, in view of what is set out in the letter dated 19.04.2021 to the Director, CBI where his conversation with Shri Sanjay Pandey, Commissioner of Police was recorded when he had gone as a matter of courtesy to formally hand over charge. He has set out the transcript of the Whatsapp messages exchanged in pursuance to what had transpired. The sum and substance of the discussion was that the matter was broached by the Commissioner who advised him not to fight against the system and in effect withdraw the letter sent to the Chief Minister making complaints against the Home Minister, as otherwise the consequences could be varied. We would not like to delve more into this issue.

We do find the picture very disturbing. An earlier Commissioner seems to show lack of faith in the police! We wonder what would happen to the

common man and what kind of faith would they have in the police. The matter has become curiouser and curiouser in the battle between the then Home Minister and the then Police Commissioner. The only question which has to be examined is whether in view of the CBI looking into the matter, the other aspects arising are also to be entrusted to the CBI. The stand of the CBI and the State Government are also not known as the Writ Petition stands decided on a threshold point of sending it to the Central Administrative Tribunal.

Prima facie, this may not be the appropriate course of action.

Let notice issue to the respondents returnable on 06.12.2021.

In the meantime, the petitioner shall join the investigation but shall not be arrested.

A copy of the order to accompany the notice.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)