

**Case :-** HABEAS CORPUS No. - 36848 of 2019

**Petitioner :-** Mohd. Shoaib Thru Next Friend Gaurav Kumar Kashyap

**Respondent :-** State Of U.P.Thru Prin.Secy. Home And Ors.

**Counsel for Petitioner :-** Atul Benjamin Solomon,Alok Singh Chauhan

**Counsel for Respondent :-** G.A.

**Hon'ble Shabihul Hasnain,J.**

**Hon'ble Virendra Kumar-II,J.**

Heard Sri A. B. Solomon, learned counsel for the petitioner as well as A.G.A. Sri S. P. Singh, who has already given copy of the counter affidavit to the petitioner on 24.12.2019. The rejoinder affidavit prepared by Sri S. B. Solomon has been handed over to the A.G.A. today in the Court itself.

Counter and rejoinder affidavits as well as objection filed today by the respective parties are taken on record.

After hearing both the parties it appears that there are some facts on which A.G.A. wants to seek instructions and verify the same. For example, the contention of the petitioner is that he was not picked up from Clarks Awadh Tiraha as has been shown in the counter affidavit and was picked up much earlier i.e. in the night of 19/20.12.2019 at 11.45 P.M. He has further submitted that there are number of CCTV cameras installed at Clarks Awadh Tiraha, whose footage ought to have been taken into account while asserting that the petitioner was picked up at 8.45 A.M. The message sent by the wife of the petitioner may also be taken into account and the instructions may be made available.

On the request of Additional Government Advocate put up this case tomorrow immediately after fresh.

Since this is a habeas corpus petition and life and liberty of the petitioner is at stake, it is expected that the A.G.A. will be fully prepared on this issue.

**Order Date :-** 2.1.2020

RKM.