

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 learned A.G.A. Sri S. P. Singh.

Sri S. P. Singh has tried to assist the Court on the basis of the instructions but the instructions are perhaps not complete. He has submitted that he needs further time to be clear about the facts.

The Investigating Officer Sri Brijendra Kumar Mishra is also present but we find that even he has not been able to give correct instructions to the A.G.A., which is very unusual. No doubt A.G.A. is there to assist the Court but he has to hugely depend on the facts and figures given by the Investigating Officer. Learned A.G.A. will be totally helpless if proper facts are not given to him.

Sri A. B. Solomon has made statement before this Court that the petitioner was never produced before any Magistrate. If he was produced before a Magistrate, the time and place of the court would have been captured in CCTV cameras because entire civil court is having CCTV cameras for surveillance. Learned A.G.A. will be better advised to be prepared on this issue also.

On the request of the A.G.A. we grant him further time to collect the correct facts and be prepared for arguments.

List this case on 6.1.2020.

We hope and trust that this time there will be better assistance to the Court.

Order Date :- 3.1.2020

RKM.